

# ROANOKE CITY COUNCIL REGULAR SESSION

## OCTOBER 23, 2003 2:00 P.M.

## CITY COUNCIL CHAMBER

## **AGENDA**

## 1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Harry M. Miller, Jr., Pastor, Roanoke Valley Cathedral of Praise.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

## **NOTICE:**

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Friday, October 24, 2003, at 7:00 p.m., and Saturday, October 25, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT <u>WWW.ROANOKEGOV.COM</u>, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

## **REGULAR SESSION**

## 2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Presentation of the 2003 National League of Cities and CH2M Hill James C. Howland Silver Award for Urban Enrichment to The History Museum and Historical Society of Western Virginia.

Proclamation declaring the month of October 2003, as National Disability Employment Awareness Month.

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Proclamation declaring Sunday, October 26, 2003, Change Your Clock, Change Your Battery Day.

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## 3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of Council held on Tuesday, September 2, 2003; and recessed until Friday, September 5, 2003.

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RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

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RECOMMENDED ACTION: Concur in the request.

## C-3 Qualification of the following persons:

Susannah Koerber as a member of the Roanoke Arts Commission, for a term ending June 30, 2006; and

Joseph F. Lynn as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2007.

RECOMMENDED ACTION: Receive and file.

## **REGULAR AGENDA**

- 4. PUBLIC HEARINGS: NONE.
- 5. PETITIONS AND COMMUNICATIONS: NONE.
- 6. REPORTS OF OFFICERS:
  - a. CITY MANAGER:

#### **ITEMS RECOMMENDED FOR ACTION:**

1. Appropriation of funds to new or existing project accounts to support strategic technology needs and enhancements.

P 65; B/O 69

2. Appropriation of Alcohol, Tobacco, and Firearms Seized Property One-time Deposit, in the amount of \$100,306.00, resulting from a criminal investigation.

P 72; B/O 74

3. Execution of an agreement with the Roanoke City School Board in connection with continued operation of the Woodrow Wilson Middle School Fitness Center, for an additional one-year term, with an option to renew for up to four additional one-year terms, ending October 31, 2008.

P 75; R 84 4. Acceptance of a Lead Hazard Control Grant from the U. S. Department of Housing and Urban Development, in the amount of \$1,543,704.00.

P 85; B/O 87; R 88

5. Amendment to the City Code in connection with a \$3.00 assessment fee for court costs to support relocation of the Roanoke Police Academy, effective November 1, 2003.

P 89; O 90

### **BRIEFINGS**:

6. Zoning Ordinance Update

(20 minutes)

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#### b. DIRECTOR OF FINANCE:

1. Authorization to terminate the lease agreement dated August 26, 1992, between the City and the Roanoke Redevelopment and Housing Authority for the lease of the Century Station Parking Garage; and acceptance of conveyance of the garage to the City.

P 93; O 96

## 7. REPORTS OF COMMITTEES:

a. A report from the Roanoke City School Board requesting approval of a State Literary Fund loan application for improvements to Patrick Henry High School, in the amount of \$7.5 million; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

P 98; R 100

b. A report from the Roanoke City School Board requesting appropriation and transfer of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

P 101; B/O 103

## 8. UNFINISHED BUSINESS: NONE.

## 9. INTRODUCTION AND CONSIDERATION OF **ORDINANCES AND RESOLUTIONS:**

A Resolution appointing a new Director of the Industrial Development P 105 a. Authority of the City of Roanoke, to fill a four year term on the Board of Directors.

## 10. MOTIONS AND MISCELLANEOUS BUSINESS:

- Inquiries and/or comments by the Mayor, Vice-Mayor and Members of a. City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

#### HEARING OF CITIZENS UPON PUBLIC MATTERS: 11.

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

#### 12. **CITY MANAGER COMMENTS:**

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



## ROANOKE CITY COUNCIL REGULAR SESSION

OCTOBER 23, 2003 7:00 P.M.

## CITY COUNCIL CHAMBER

## **AGENDA**

## Call to Order -- Roll Call.

The Invocation will be delivered by Mayor Ralph K. Smith

The Pledge of Allegiance to the Flag of the United States of America will be led by Boy Scout Troop No. 17, St. John's Episcopal Church.

Welcome. Mayor Smith.

## **NOTICE:**

The Council meeting will be televised live by RVTV Channel 3 to be replayed on Friday, October 24, 2003, at 7:00 p.m., and Saturday, October 25, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## A. PUBLIC HEARINGS:

1. Request of Murray E. and Patricia B. Joiner to amend proffered conditions presently binding upon a tract of land located at 3034 Brambleton Avenue, S. W., Official Tax No. 1650903, as set forth in Ordinance No. 35218-030501, adopted on March 5, 2001. Murray E. and Patricia B. Joiner, Spokespersons.

P 106; O 122

2.(a) Request of Member One Federal Credit Union to permanently vacate, discontinue and close a portion of Gilmer Avenue, N. E., running in a westerly direction from 4<sup>th</sup> Street to an existing cul-de-sac. C. John Renick, Attorney, Spokesperson.

P 124; O 134

(b) A communication from the City Manager requesting authorization to enter into a performance agreement with Member One Federal Credit Union, in connection with the above referenced item, at no charge.

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3. Request of Malcolm M. Rosenberg to rezone property located at 2719 Colonial Avenue, S. W., Official Tax No. 1260808, and 2735 Colonial Avenue, S. W., Official Tax No. 1260804, from RS-3, Residential Single-Family District, to C-1, Office District, subject to certain conditions proffered by the petitioner. Edward A. Natt, Attorney, Spokesperson.

P 140; O 153; O 155

4. Request of 22 Luck Avenue, Inc., to permanently vacate, discontinue and close a certain portion of an alley lying between 16 and 22 Luck Avenue, S. W., and parcels identified as Official Tax Nos. 1012707 and 1012706. Raphael E. Ferris, Attorney, Spokesperson.

P 157; O 165

5. Proposed conveyance of a ten-foot easement on property known as Jackson Park, identified as Official Tax No. 4130501, to Roanoke Gas Company, to relocate a high relief valve from the northern side of Morningside Street. Darlene L. Burcham, City Manager.

P 170; O 172 6. Proposed lease of 7.05 acres of City-owned land located along Back Creek in Roanoke County to a County resident for agricultural purposes, for a period of one year, with a renewal option for four additional one-year periods, and a 60-day mutual termination provision. Darlene L. Burcham, City Manager.

P 173; O 185

7. Amendment of Chapter 36.1, Zoning, Section 36.1-445, Additional sign regulations, subsection (c), Code of the City of Roanoke (1979), as amended, to address roof signs in the H-1, Historic District. R. Brian Townsend, Agent, City Planning Commission.

P 186; O 189

8. Endorsement of the draft 20-Year Long Range Transportation Plan for submission to the Roanoke Valley Area Metropolitan Planning Organization. Darlene L. Burcham, City Manager.

P 191; R 199

## **B.** HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

# MOTION AND CERTIFICATION WITH RESPECT TO CLOSED MEETING

#### FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

#### PLEASE NOTE:

- 1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
- 2. Roll call vote included in Council's minutes is required.
- 3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state <u>prior to the vote</u> the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



encourage all citizens to help ensure full inclusion in the workforce, the United States Congress, in 1945, designated October of each year as NATIONAL DISABILITY AWARENESS MONTH: and

WHEREAS, community leaders, businesses and vocational rehabilitation partners have organized activities across the Roanoke Valley to increase public awareness about disability issues and to continue their work together to break down barriers that people with disabilities face on a daily basis, while upholding our fundamental commitment to justice and equality for all people; and

WHEREAS, the Mayor's Committee for People with Disabilities, a volunteer group of citizens and business leaders, with and without disabilities, from the City of Roanoke, Roanoke County, the City of Salem and the Town of Vinton work together to improve the physical, psychological, social, and spiritual well-being of people with disabilities in the Roanoke Valley, and to educate the public with regard to available resources to enable citizens with disabilities to make the most of their potential.

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, do hereby proclaim October 2003, throughout this great All-America City,

#### NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH.

Given under our hands and the Seal of the City of Roanoke this twenty-third day of October in the year two thousand and three.

Mary F. Parker City Clerk

Ralph K. Smith Mayor



WHEREAS, an average of nearly three children die each day in home fires; and

WHEREAS, eighty percent of fire deaths involving children occur in homes without working smoke alarms; and

WHEREAS, by providing early warning and critical extra seconds to escape, smoke alarms double a family's chances of getting out of a home fire alive — but only if they work; and

WHEREAS, Roanoke Fire-EMS has joined with the International Association of Fire Chiefs and Energizer Battery to remind citizens to change the batteries in smoke alarms when they change the time on their clocks back to standard time on October 26, 2003.

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, encourage all citizens to educate their fellow citizens and loved ones on the vital importance of working smoke alarms in protecting families against the devastating effects of home fires and, do hereby proclaim Sunday, October 26, 2003, throughout this great All-America City, as

#### "CHANGE YOUR CLOCK, CHANGE YOUR BATTERY" DAY.

Given under our hands and the Seal of the City of Roanoke this twenty-third day of October in the year two thousand and three.

ATTEST:

Mary F. Parker City Clerk Ralph K. Smith Mayor

#### REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

#### **SEPTEMBER 2, 2003**

9:00 a.m.

The Council of the City of Roanoke met in regular session on Tuesday, September 2, 2003, at 9:00 a.m., the regular meeting hour, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended. and pursuant to Resolution No. 36193-010603 adopted by the Council on January 6, 2003.

Council on January 6, 2003.
PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Beverly T Fitzpatrick, Jr., Linda F. Wyatt and Mayor Ralph K. Smith5
ABSENT: Council Members C. Nelson Harris and Alfred T. Dowe, Jr2
OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.
COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies or certain authorities, boards, commissions and committees appointed by Council pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.
Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr Cutler and adopted by the following vote:
AYES: Council Members Bestpitch, Cutler Fitzpatrick, Wyatt, and Mayor Smith5
NAYS: None0

(Council Members Dowe and Harris were absent.)

CITY PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely effect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950) as amended.

Mr. Bestpitch moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

				•		Fitzpatrick,	-	-
(Coun	cil Mem	bers Dov	ve and Hai	rris were ab	sent.)			

A joint meeting of Council and the Roanoke City School Board convened at 9:05 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., with Mayor Ralph K. Smith and Chairperson Gloria P. Manns presiding.

All Council Members were in attendance.

(Vice-Mayor Harris and Council Member Dowe arrived late.)

SCHOOL TRUSTEES PRESENT: William H. Lindsey, Melinda J. Payne (arrived late), Kathy G. Stockburger, Ruth C. Willson, and Gloria P. Manns, Chair.

**ABSENT: Robert Sparrow and David R. Trinkle.** 

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; E. Wayne Harris, Superintendent of Schools; and Cindy Lee, Clerk, Roanoke City School Board.

#### LEGISLATION-COUNCIL-SCHOOLS:

#### **Coordination of 2004 Legislative Agenda:**

The City Attorney advised that:

\*The 2004 Legislative Program will combine both the Council's and the School Board's legislative agenda, which will be presented to area legislators at a luncheon meeting on Monday, December 2, 2003.

\*Council will receive a final draft of the 2004 Legislative Program for review on November 3, 2003 and Council will be requested to act on the Program at its meeting on Monday, November 17, 2003.

\*Community input was solicited last year with mailings to approximately 60 neighborhood, employee and business groups, Chambers of Commerce, etc.; however, the response was not overwhelming.

\*It is believed that tax reform/restructuring will be a big issue for the Virginia General Assembly in 2004.

Mr. Bestpitch, Chair, Legislative Committee, advised that:

\*Legislative Committee meetings are proposed for Monday, October 6 and Monday, November 3, 2003, with additional meetings to be scheduled as needed.

\*Council Members and School Trustees will be provided with copy of suggestions submitted to date by Council and City staff for inclusion in the Legislative Program, with any additional items to be submitted to the City Attorney, or the Chair of the Legislative Committee, as soon as possible.

\*Rather than mailing a large volume of material, it would be more cost effective to summarize legislative items, with a cover letter advising that persons desiring more information should contact the City Attorney's Office.

The City Manager advised that it has been the City's practice for the last two years to adopt the Virginia First Cities Coalition agenda as a part of the City of Roanoke's Legislative Program; the number one priority of the First Cities Coalition is educational funding; materials will be available in the near future from the First Cities Coalition that localities and others are encouraged to use as candidates for the Virginia General Assembly are interviewed regarding their position on education.

Chairperson Manns advised that the Legislative Program of the Schools will be adopted on November 13, 2003, following meetings of those School districts that are represented in the Schools Consortium, which is composed of 13 school districts in Virginia.

#### **Superintendent Harris advised that:**

\*The School Boards Consortium started as an initiative in the Roanoke Valley and spread to 13 school districts that currently make up the Southwest Virginia School Boards Consortium.

\*School Boards have reviewed funding for construction and combined the total cost of construction needs for the initial five to six districts that joined the Consortium and other school districts have followed.

\*Construction costs across the State are a common issue and the mission of the Schools Consortium has broadened to address a specific statement with regard to funding. If the Standards of Quality (SOQ) are fully funded, school systems will recoup the money they are spending out of their operating budgets for construction, and the JLARC study has clearly pointed out that the State has been under funding the SOQ by 50 - 55 per cent.

\*The goal of the School Consortium is to create an awareness and a grass roots effort to ensure that schools are adequately funded in order to demonstrate the type of progress that is necessary for Roanoke's students.

#### The City Manager advised that:

\*There should be a single-prong of attack relative to educational funding, and the Virginia First Cities Coalition has advocated more funding for education, which is specifically tied to the JLARC recommendation.

\*The School Boards Consortium should be encouraged to give more focus to the JLARC recommendation than funding for capital improvements, which will be an uphill battle inasmuch as the State has not agreed to be involved in capital improvements funding.

\*The JLARC study points out that the State is significantly under funding education, and if localities are successful in pursuing the JLARC recommendation, more money would be available for other purposes.

#### **Council Member Wyatt advised that:**

\*At a recent meeting of the Virginia Municipal League Education Policy Committee, it was pointed out that over \$350 million in Standards of Quality are unfunded.

\*A concern of the VML is that the State will take money from other programs that impact cities like Roanoke and shift the money in order to fund the Standards of Quality; therefore, the issue should be addressed in the City's 2004 Legislative Program.

The City Manager advised that it was her understanding that the Federal Government is not providing an adequate level of funding for special education in the School system, and inquired if that continues to be a problem. She stated that Council will meet with Congressman Bob Goodlatte later in the day, and she would be willing to address the issue at that time.

Superintendent Harris responded that special education funding is still woefully under funded and well below the threshold authorized by Congress, which is somewhere in the range of 20 per cent.

Dr. Harris was requested to provide a dollar amount before the 12:00 noon meeting with Congressman Goodlatte.

#### PROCUREMENT CODE/PURCHASING:

#### **Opportunities for joint purchasing:**

The Director of Finance advised that one of the processes used for procurement is to accept the State's contract for certain goods and services, which is also followed by the School system.

(Vice-Mayor Harris and Council Member Dowe entered the meeting).

#### The City Manager advised that:

\*There are occasions when the City can accept bids under the State's contract and while the State's contract is available as an opportunity to evaluate good bench marking, the City has found that it can under cut the State contract in some instances.

\*No joint purchasing currently exists between the City and the School system.

\*Discussion has taken place with regard to merging certain administrative functions into a more efficient operation and she has discussed with the Superintendent of Schools the opportunity for City and School staffs to work together on health insurance which might be an area where the two entities could combine need and demand in order to get a better rate in the future.

Mr. Fitzpatrick requested that the staffs of the City and the Schools discuss the benefits of joint purchasing, whether it be for automobiles or textbooks, etc.

Superintendent Harris advised that Roanoke City works with other school districts with regard to joint purchasing of supplies; and discussions in the past between the City of Roanoke, the City of Salem and Roanoke County led to the formation of a Consortium to address the purchasing of health insurance in a effort to lower insurance premiums.

The City Manager advised that she has proposed to Dr. Harris that the two entities work together to determine what might be avenues for a pooled kind of approach for health insurance for City and School employees; the challenge is that the School system operates on a different annual cycle, benefits are different among the two entities, and the School Board pays significantly more as a contribution

toward health insurance for school employees than does the City; therefore, numerous variables must be considered. She added that Council has also inquired about other opportunities for joint purchasing and the two staffs will study the matter and report to Council by the end of the calendar year.

At this point, Ms. Payne entered the meeting.

#### POLICE DEPARTMENT:

School Safety/Update On School Discipline Task Force:

Ms. Stockburger, Member of the organizing group, advised that:

\*The group held its first meeting on August 21, 2003, to discuss its charge by Council and the School Board.

\*Discussion took place as to whether the group should be called an organizing committee to review the appointment of a task force.

\*Two basic objectives were discussed: (1) What is the role of the School Resource Officer? (2) Is there a common definition of safety – is it necessary to come to some fundamental understanding of the issue of consistency in school discipline, and are the practices that are currently in place significant enough to address the student who is not going through the judicial system, but is disruptive in the classroom?

\*Discussion among the group centered around bringing the judicial piece into the conversation and the fact that many of the disruptive students are not and do not belong in the court system, but at the same time something needs to be done; and classroom teachers need to be supported by the School administration and by principals.

\*The process itself was a topic of discussion and some members of the group favor facilitators who will help to coordinate the process so as to reach agreed upon outcomes.

\*The group discussed a few non-negotiables, the major one being that any facilitator must attend all meetings and be able to communicate with the task force in both written and oral form.

\*The group was given a charge to complete the process by the end of the calendar year, therefore, it is proposed to have significant information available for the Council/School Board work session on November 21, 2003.

\*The second largest responsibility will be a determination on how the Task Force will be appointed – will it be a combination of self-selection, or representatives from groups, including groups outside of stakeholders such as Parent-Teacher Associations, parents, etc.

\*The goal is to keep the number workable, but not to exclude any person who might wish to participate.

\*A decision will need to be made at some point as to whether the group will be ongoing on a small scale.

Mr. Bestpitch suggested that the group not only consider providing support for teachers, but training as well, because it appears that the School system is faced with more and more challenging young people, and teachers could benefit from additional training on how to manage some of the more difficult students who may not be to the point of being involved in the juvenile justice system, but are in need of some type of intervention; and the last message that should be conveyed to students is that no one has any control within a classroom if a police officer is not present.

Superintendent Harris was requested to comment on his proposed "Round Table"; whereupon, he advised that:

\*The goal is to create what is referred to as the "Superintendent's Round Table on Quality Education" by the end of September, 2003.

\*A facilitator will be announced within approximately seven days, who should be a person other than school staff or a volunteer.

\*The purpose of the Round Table is to engage in a discussion regarding quality education from the perspective of parents, guardians and leaders in the community. What does a quality education in the Roanoke City Public Schools look like from the perspective of instruction, achievement and academics? What does a quality education look like from the perspective of school safety, discipline and orderliness? What does school safety look like from the perspective of parent and community involvement?

\*The "Round Table" has generated considerable interest by persons in the community who would like to serve. Kick off for the "Round Table" is proposed for October 1, 2003, with 60 - 75 persons considered to be a workable group.

\*It is hoped that the end product will be those indicators that have been identified and agreed upon to provide quality education for those students who attend Roanoke City Public Schools.

\*A report will be submitted to the School Board in April 2004, to be included in the Board's priorities, with action steps to be implemented by the School administration.

\*Separate, but a part of the study, will be student input from the high schools, as well as employee input, to determine if there is a congruence between those indicators from the community and those from School Board employees.

#### **SCHOOLS:**

#### <u>Update on Career and Technical Education in the High School Upgrade Plans:</u>

Council Member Cutler advised that graphics planning for the new high schools refer to the liberal arts side of the program, and it is hoped that the same amount of attention will be given to career and technical education facilities as will be given to other college preparatory type programs.

#### **Superintendent Harris advised that:**

\*The two firms conducting the high school facilities study recommended that because Gibboney and Lawson Halls were in such good condition and space was flexible to provide programs, the two facilities should continue to be used, but there would be a need for upgrade and improvements which are incorporated into the overall plan.

\*Gibboney and Lawson Halls are adaptable to programs that require large open spaces.

\*The new heating and ventilation systems have been incorporated into the plan and have been completed at Gibboney Hall. \*Once the upgrade at the first high school is completed, Gibboney Hall will be some distance away, and closer access to the main academic building has been incorporated into the master plan to provide for direct access.

\*The architect is working with the appropriate School official on a master plan for each facility that will focus on a certain amount of revamping of the traditional career and technical plans with new equipment and facilities.

\*Some of the programs to be provided in the upgraded facility will include automotive, culinary arts, cosmetology, manufacturing technology, etc.

<u>Update on the Present and Projected Future Status of Blue Ridge Technical Academy:</u>

**Superintendent Harris advised that:** 

\*The program continues to move forward.

\*The School Board/School Administration has attempted to ensure that Blue Ridge Technical Academy (Blue Ridge) is not seen as a curriculum separate from other career and technical education programs.

\*There will be a change in leadership due to a resignation, but the resignation will not in any way negatively impact the progress of Blue Ridge.

\*The goal is to increase the number of students because low enrollment has been a concern in that Blue Ridge has not attracted the number of students from the region that were initially projected.

\*If enrollment numbers do not increase, it may be necessary to move the program back to the high schools.

#### **Discussion Regarding Middle School and High School Sports Programs:**

#### **Superintendent Harris advised that:**

\*During the last school year, the following middle school sports were offered: softball, co-ed soccer, intramural co-ed tennis, basketball, boys and girls wrestling, volleyball, coed tennis, boys track, boys basketball, and middle school football which follows the high school schedule.

\*A fair number of students participate in after school sports, but there are other after school activities that draw students away.

\*There are challenges in attracting participation in soccer and wrestling.

\*Coaching is an issue, given the number of coaches that are needed, which means that a coach who also teaches and coaches after school hours could work as many as 12 hours a day.

\*At the time of day that middle school sports occur, it is difficult to find officials who are willing to participate because they are either on the job, or must officiate after their normal work hours.

\*Funding is an issue since there is no paid admission to games and the School budget funds total costs.

\*The following sports are offered at the high school level: Patrick Henry High School: football (four teams), boys and girls cross country, volleyball, golf, cheerleading, girls tennis, basketball, wrestling, indoor track, swimming, baseball, softball, soccer, tennis, outdoor track and lacrosse. At William Fleming High School: baseball, basketball, boys and girls cheerleading, cross country, football, golf, soccer, softball, swimming, diving, tennis, indoor and outdoor track, volleyball and wrestling.

\*There is also a challenge in regard to the coaching staff as above described.

## Review of Plans For Athletic Tracks and How External Grounds Will Be Landscaped and Committed to Greenways At the Two New High Schools:

Council Member Cutler advised that one of the variables in the stadium discussion was the issue of athletic tracks, and inquired if the School Board plans to install track and field facilities that are of a quality sufficient to host State-wide track meets. He also inquired about landscaping/greenway access for the two new high schools.

#### **Superintendent Harris advised that:**

\*The City Manager was requested to defer any decision regarding the location of athletic tracks until the upgrade for the two high schools is completed.

\*Athletic tracks will be located at each of the high schools, but they will be of different sizes.

\*Athletic tracks will not be constructed to seat a large number of persons.

The City Manager advised that it was her understanding that the two high schools are in favor of track facilities on site, as opposed to a separate larger facility in a distant location.

Relative to greenways and landscaping, Dr. Cutler advised that William Fleming High School is closer to the Lick Run Greenway and Patrick Henry High School is closer to the Murray Run Greenway and cross country teams and science classes could use both greenways, therefore, it appears that greenways are a part of School opportunities. Superintendent Harris concurred in the remarks of Mr. Cutler.

Mr. Bestpitch addressed drainage problems in connection with construction in the vicinity of the Roanoke Academy for Mathematics and Science building, and asked that the City Manager and the School Board ensure that drainage problems in that area of the City are not exacerbated.

<u>Discussion Regarding Participation in the Council/School Board "Buddy System" and Appropriate Channels of Communication:</u>

Chairperson Manns advised that the "Buddy System" is as follows:

School Trustee Willson - Vice-Mayor Harris

School Trustee Stockburger - Council Member Bestpitch

**School Trustee Trinkle - Council Member Fitzpatrick** 

School Trustee Payne - Council Member Wyatt

**School Trustee Sparrow - Council Member Dowe** 

**School Trustee Lindsey - Council Member Cutler** 

Chairperson Manns - Mayor Smith

Ms. Stockburger advised that there may be value in looking at an institutionalized, yet informal way, of communicating between Council Members and School Trustees on issues that either overlap or dovetail. She stated that some localities use a system referred to as, "Two By Two"; i.e.: two School Board members and two City Council members for the purpose of streamlining communications on issues around which there should be ongoing dialogue between the two bodies, the intent of which is not to bring up new topics or to engage in crisis management, but to expedite communications on issues that generally would be constructive, and would involve issues that have an overlap to the Council and the School Board. She proposed that the concept be explored and that the two bodies decide on its value and whether other meeting time could be decreased as a result of the program. She stated that the program would not be intended to replace the "buddy system", but would be in addition to; and volunteered to obtain more information on how groups in other localities operate.

There being no further business, at 10:40 a.m., the joint meeting of Council and the School Board was concluded and the Mayor declared the Council work session in recess.

The Council met in Closed Session in the Council's Conference Room to conduct interviews for a vacancy on the Roanoke Redevelopment and Housing Authority.

The Council meeting reconvened at 12:00 noon for lunch and the annual meeting with Congressman Bob Goodlatte in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

COUNCIL MEMBERS PRESENT: William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith------7.

ABSENT: NONE------0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth; City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

OTHERS PRESENT: Congressman Bob Goodlatte, and Peter Larkin, District Director for Congressman Goodlatte.

#### **COUNCIL-LEGISLATION:**

On behalf of the Members of Council, the Mayor welcomed Congressman Goodlatte and Mr. Larkin to the meeting.

#### **Congressman Goodlatte advised that:**

\*Interstate-81 is on the front burner of the State and the State will have to make a major decision regarding future plans for the highway.

\*I-81 needs attention and alternatives include: (1) a simple widening, (2) a widening that includes separating trucks from cars that may include tolls, and (3) a method involving a rail component. The rail component would provide for double tracking the railroad line that runs through the Shenandoah Valley; however, Norfolk Southern is not interested in that alternative, but has expressed an interest in identifying and obtaining Federal aid, since the Federal Government assists with every other form of transportation.

\*Norfolk Southern has presented an alternative to upgrade the old main southern line that runs up the east side of the Blue Ridge Parkway and assistance will be needed to connect the line between Manassas and Front Royal. \*There is a continuing interest on the part of the State to see that rail alternatives work; whereupon, he suggested that there be dialogue with railroad officials, but to date Norfolk Southern has been unwilling to assume the \$2 billion plus that is estimated for the project.

\*Railroads own their own rights-of-way, they are protective of those rights-of-way and do not want to deal with the Federal Government which, in effect, would allow the Federal Government to retain too much control, and has had an impact on passenger rail service inasmuch as the passenger rail line extends from Roanoke to Lynchburg to Richmond to Washington, D. C. and to the Shenandoah Valley.

\*Amtrak has a nation wide right-of-way for passenger rail service on all rail lines in the United States; and when the TransDominion Express became operational he, along with Congressman Rick Boucher, introduced legislation in the Congress, the intent of which is to give the TransDominion Express access to Norfolk Southern and CSX rail lines not only because of the nation wide right-of-way of Amtrak, but also because it is hoped that Amtrak will provide rolling stock.

\*The greatest concern with regard to what is going on with Interstate-81 is that the State has used the public/private partnership as an opportunity to find a way to do what has to be done on I-81 and to shift resources from the western part of the State to other parts of the State, which is wrong. Such action would basically require tolls of such a magnitude so as to make Southwest Virginia unattractive to businesses that may be considering locating or expanding their businesses in or to southwest Virginia.

\*Two basic proposals have been presented regarding I-81; i.e.: one is gold-plated and one is too inexpensive; the STAR Solution separates cars from trucks which would include separate exit ramps, separate interchanges, additional lanes, environmental impacts, all of which could cost up to \$7 - 8 billion, and the Fluor proposal which involves three lanes and prohibits trucks in the third lane could cost \$1.8 billion and is too inexpensive. Neither proposal appears to be workable.

\*The legislature should make a preliminary decision on whether to have separate lanes for trucks and cars in the very near future because when the Highway Bill moves on to Congress sometime next year, if the State has not made a decision by that time, Virginia will be left out of a large sum of money that will be sought by other parts of the country. Tolls must be lower because \$65.00 one way throughout 325 miles of Virginia is outrageous, especially if Southwest Virginia is to remain competitive with other localities that would like to be the transportation corridor for all business.

\*It is expected that the State will make a preliminary decision on which is the preferred route and allow both STAR Solutions and Fluor to bid on that basis.

\*He supports enhancement monies because communities like Roanoke, Lynchburg, Staunton, and Harrisonburg should have more than just highway funds.

\*There may be some positive news in the near future with regard to the old First Street Bridge.

\*Interstate-73 is of ongoing interest and concern, and a decision as to what will happen in southeast Roanoke City is still unresolved and is obviously a problem.

\*Route 220, as it currently exists, could use improvements, but even with improvements, the roadway will never be safe for a school bus picking up and dropping off children at the same time that a tractor trailer is traveling on the highway. He has encouraged the State to make it possible for persons to sell land for the right-of-way, but the historic district issue needs to be resolved. The matter is unresolved at this point, but is expected to be settled in the not too distant future, however, a lack of funds will impact the decision.

\*I-81 is a priority that will come ahead of I-73. In the meantime, limited actions can be taken to make Route 220 safer; and he has strongly supported an interstate highway connector to the State of North Carolina.

\*An appropriations request for the Roanoke River Flood Control Project has been submitted, the House Bill contains only \$2 million, and the final decision of the House and the Senate is not known at this time. \*The Roanoke River Greenway will take place simultaneously with segments of the Roanoke River Flood Control Project.

The City Manager advised that the most expensive part of the greenway is included in the second phase of the Flood Control Project and is the most challenging and costly component.

#### **Congressman Goodlatte further advised that:**

\*In September, leaders in technology from approximately ten different countries will visit the City of Roanoke for a Conference on Technology at The Hotel Roanoke and Conference Center, and \$1 million was appropriated for the Conference which will provide an opportunity to highlight the Roanoke Valley.

\*He was successful in securing \$1,050,000.00 for the Greater Roanoke Transit Company to be used for heavy duty buses and a new RADAR facility.

\*Another request has been submitted for the O. Winston Link Museum, pending the Transportation Bill.

\*A request has been submitted on behalf of the Art Museum of Western Virginia or capital funds for construction of a new building.

\*A request has been submitted for Carilion Health Care to support the new "Smart Operating Room" which will bring the Roanoke Valley to the forefront in medical technology.

\*A request has been submitted for a Southwest Virginia Dental Access Program to provide dental care for low income children.

\*Funds were obtained in order to expand Virginia Western Community College for distance learning.

The Mayor advised that Council met earlier in the day with the School Board, a discussion took place regarding Federal funding for special education students, and it was reported that mandated regulations require the expenditure of \$13,357,000.00, however, the City of Roanoke is reimbursed only \$2,334,000.00 by the Federal Government, or 17 per cent.

Congressman Goodlatte advised that in the past, Congress committed to a 40 per cent reimbursement, presently the target is for the reimbursement to be in the low 20 per cent in about nine years, and there will be steady, but slow improvement in the reimbursement per centage.

Council Member Fitzpatrick advised that Blue Ridge Public Televison recently connected the largest digital server in the United States to Virginia Western Community College for the purpose of distance education in southwest and south side Virginia. He asked that Congressman Goodlatte review the matter to determine if this range of technology will provide an opportunity to do different things in the future. He further advised that it is hoped that the City of Roanoke will submit a proposal in the near future with regard to the trolley/incline for Mill Mountain.

Council Member Cutler inquired if there is a role for the Federal Government to play in the Roanoke Valley's effort to bring better air service to Roanoke.

Congressman Goodlatte responded that beginning September 12, 2001, a pull out of all air service in the Roanoke Valley was experienced, the City of Lynchburg was severely impacted and Wyers Cave was almost wiped out; \$20 million per year was included in a program to provide assistance to certain communities to improve air service; each year hundreds of airports throughout the United States have applied for funds; however, the City of Lynchburg was the only airport in Virginia to receive funding, in the amount of \$500,000.00, which was used to restore air service by Delta Airlines.

The City Manager advised that the Roanoke Regional Airport Commission has submitted an application for \$1 million, with the understanding that the City has a more than adequate match to the \$1 million.

Council Member Bestpitch emphasized education and transportation issues, because funding for special education has many implications for education funding overall. He stated that the average cost of educating a child with special needs is significantly higher than the average cost of educating other children and impacts the school system when requirements are mandated to provide the education, but funds are not forthcoming. He added that much is heard about Federal interest to ensure that schools are accountable for the outcomes of education, but mixing accountability without providing additional resources to get the job done, creates difficulties.

Congressman Goodlatte advised that localities should not be required to fund any program unless government provides the funds; he has sought and continues to seek greater accountability between the Standards of Learning in Virginia and Federal requirements; secondly, cities and school districts around the country should have greater flexibility in allocating their dollars and addressing issues of accountability, rather than the bureaucrats in Washington allocating the funds to those areas where money is not needed, while leaving other important areas in need. He added that there is merit in stating that there will be some flexibility for localities to test which may lead to some schools being closed or started over; and requirements from the Federal Government should only be commensurate with the Federal Government's involvement, which is only eight or nine per cent of the total amount of education, and should not be the driving force, given the struggle with regard to identifying special education dollars. He advised that there will not be a dramatic increase from the Federal Government on public education in general, but the plan is to provide some increase.

The Mayor and Members of Council commended Congressman Goodlatte for his efforts on behalf of the City of Roanoke.

There being no further business, at 1:25 p.m., the Mayor declared the meeting in recess.

The Council's work session reconvened at 1:25 p.m., in Room 159, Noel C. Taylor Municipal Building, City of Roanoke, for one briefing.

#### **CITY EMPLOYEES:**

The City Manager advised that in March 2003, the City administration initiated the first comprehensive City employee survey and contracted with The Virginia Tech Center for Survey Research to conduct the survey; whereupon, she introduced a briefing on survey results.

Susan Willis-Walton, representing The Virginia Tech Center for Survey Research, advised that:

\*Seven in ten City employees (70.1 per cent) think of their benefits as part of their earnings.

- \*In comparing the City of Roanoke with other localities, 13 items were selected from different content areas; City of Roanoke responses were compared to 388 localities with 750 1,875 employees; and 60 per cent of comparison localities are located on the East Coast.
- \*Outstanding strength (92 per centile) "I feel that the work I do is important."
- \*Other strengths (81st 89th percentile):
  - "The work done by City employees makes Roanoke a better place for citizens."
  - "I have a clear idea of my job responsibilities."
  - "I have the skills necessary to perform my job well."
  - "I like the type of work I do."
- \*Two questions above average (53rd and 62nd percentile):
- "Employees receive communications from the top management of the City of Roanoke often enough."
- "If I do a job, I have a better chance of getting ahead."
- \*Six questions below average (36th and 46th percentile):
  - "Job promotions with the City are fair."
- "I feel free to express my opinions in my job without worrying about negative results."
- "City policies for employees are carried out in a consistent manner."
- "The City of Roanoke as a whole is well-managed."
- "The City as a workplace is free of harassment, intimidation and discrimination"
- "The City of Roanoke treats employees equally regardless of the gender of the employee."

#### \*Next steps:

Holding departmental and City wide focus groups on key survey issues

Overall survey results and results by group have been released to department heads

Survey response team formed

Results are available to employees via the Intranet

Results will be shared with employees through a series of articles in the City Corner

Survey results have been discussed at Director's Retreat

\*Survey instructions were:

**CSR at Virginia Tech as outside contractor** 

**Explained purpose of survey** 

**Employees to receive feedback** 

**Assured of confidentiality** 

Survey was voluntary, could also decline to answer individual questions

Could write additional comments

Told to write in group number

Fifty-nine seatings were scheduled from March 10 - 14, 2003 (36 throughout the City and 23 in the EOC)

Surveys were sent to Fire/EMS, Water operations, Youth and Water Pollution Control Plant.

\*Survey topics included benefits and compensation, communication, diversity, environment, evaluations, job expectations, job satisfaction, job training, leadership, morale, motivation, recognition, service to citizens, values and work life.

#### \*Goals of the survey:

To foster communication and employee input
To maintain most effective workforce possible
To identify key strengths and weaknesses as perceived by employees
To create a better working environment for all employees

#### \*Methodology used:

Invitation process
Survey pre-test process
Survey instrument design
66 survey items
Survey administration procedures
1,328 employees completed surveys
70 per cent response rate, ±1.48 margin of error
Compilation of data
Tabulation of results

\*Respondent demographic characteristics:

53.5 per cent - 40 years of age or older

73.3 per cent reported race as "White"

69.8 per cent reported annual salary >\$40,000.00

64 per cent male

63 per cent have worked for the City six or more years

\*Highlights of levels of employee agreement with selected statements: I understand that the Employee Core Values (honesty, respect, responsibility, and teamwork) are an important part of how we provide service - 83 per cent

Protecting the environment is a priority for the City - 78 per cent Providing high quality service to citizens is a priority with the City of Roanoke - 81 per cent

Overall, my morale at work is good - 73 per cent

\*Statements with the highest employee agreement (percentage "strongly and somewhat agree")

I have the skills to do my job well (96.0)

I feel my work is important (95.9)

I like the work I do (95.3)

I have clear job responsibilities (93.1)

City employee work makes the City a better place (91.5)

\*Statements with least employee agreement (percentage "strongly and somewhat agree")

Job promotions are fair (32.6)

City as a whole is well-managed (39.2)

City welcomes free and open input (43.3)

Policies carried out in a consistent manner (42.2)

**Employees treated with respect (46.4)** 

The City Manager advised that another survey will be conducted in approximately one year and the current survey will be used as a benchmark to identify progress.

At 1:50 p.m., the Mayor declared the meeting in recess until 2:00 p.m., in the City Council Chamber.

At 2:00 p.m., on Tuesday, September 2, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith------7.

ABSENT: NONE------0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend David A. Fraser, Pastor, Faith Alliance Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### PRESENTATIONS AND ACKNOWLEDGMENTS: NONE.

#### **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda are considered to be routine by the Members of City Council and will be enacted by one motion; there will be no separate discussion of the items; however, if discussion is desired, the item will be removed from the Consent Agenda and considered separately.

CITY COUNCIL-PARKS AND RECREATION-LEASES: A communication from the City Manager requesting Council schedule a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a contractual agreement for operation of the Rocwood Indoor Adventure Center, was before the body.

It was explained that the City of Roanoke Department of Parks and Recreation has finalized the "competitive negotiation" process and identified an experienced service provider to operate and maintain the Rocwood Indoor Adventure Center, which is located within the Parks and Recreation Administrative Building, 210 Reserve Avenue, S. W.; and in order to execute a contract between The Climbing Performance Institute, Inc., and the City of Roanoke, a public hearing is required to be held.

Mr. Cutler moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith------7.

NAYS: NONE ------0.

CITY COUNCIL-BUDGET: A communication from the City Manager requesting that Council schedule a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider an adjustment to the City of Roanoke Fiscal Year 2003-04 budget, was before the body.

It was explained that each year the Year-end General Fund Balance and Retained Earnings for Internal Service Fund and Enterprise Funds are appropriated for funding of the Capital Maintenance and Equipment Replacement Program (CMERP) and other necessary items; and pursuant to Section 15.2-2507, Code of Virginia (1950), as amended, a locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the current adopted budget, however, any such amendment which exceeds one per cent of total expenditures shown in the adopted budget, or the sum of \$500,000.00, whichever is lesser, must be accomplished by publishing a notice of public hearing.

Mr. Cutler moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith------7.

NAYS: NONE -----0.

CITY COUNCIL-EASEMENTS-SCHOOLS: A communication from the City Manager requesting that Council schedule a public hearing for Monday, September 15, 2003, or as soon thereafter as the matter may be heard, on the conveyance of an easement to Appalachian Power Company at Patrick Henry High School.

Mr. Cutler moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith7.
and Mayor Office
NAYS: NONE0.
EASEMENTS-CITY COUNCIL-CITY PROPERTY: A communication from the City Manager requesting that Council schedule a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to conveyance of an easement on City owned property on Barnes Road, N. W., was before the body.
Mr. Cutler moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:
AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith7.
NAYS: NONE0.
OATHS AND OFFICE-COMMITTEES-ROANOKE ARTS COMMISSION-FIFTHPLANNING DISTRICT COMMISSION-YOUTH: The following reports of qualification were before Council:
Kathleen W. Lunsford as a member of the Roanoke Arts Commission, for a term ending June 30, 2006;
Jennifer L. Pfister as a member of the Roanoke Valley-Allegheny Regional Commission, for a term ending June 30, 2006, and
Kristina W. Hodges as a member of the Youth Services Citizen Board, for a term ending May 31, 2006.
Mr. Cutler moved that the reports of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:
AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith7.
NAYS: NONE0.

# **REGULAR AGENDA**

**PUBLIC HEARINGS: NONE.** 

PETITIONS AND COMMUNICATIONS: NONE.

**REPORTS OF OFFICERS:** 

**CITY MANAGER:** 

**BRIEFINGS: NONE.** 

ITEMS RECOMMENDED FOR ACTION:

BUDGET-GRANTS-POLICE DEPARTMENT: The City Manager submitted a communication advising that the City of Roanoke's Homeland Defense initiative has been commended for its innovation and training of first responders; since the terrorist threat has increased, focus on the use of Roanoke Police Department Citizen Police Academy graduates serving as volunteers within the Police Department has taken on a new importance; the Police Department has begun to train its Citizen Police Academy graduates to assist in roles that might free sworn police officers to patrol the streets, and prevent and react to criminal activities; and currently, funding of the Citizen Police Academy is provided by citizen and business donations, as well as by special fund raising within the community.

It was further advised that the Virginia Department of Criminal Justice Services has awarded the City of Roanoke a \$4,050.00 One-Time Special Request Fund for Local Law Enforcement Agencies Grant; a local match of \$1,350.00 is required, with funds for the match having been identified; and funds from the grant will support continuation of existing training of the basic and advanced Citizen Police Academy and the recent expansion of the program to encourage graduates to provide volunteer services within the Police Department.

The City Manager recommended that she be authorized to accept the grant, in the amount of \$4,050.00, from the Virginia Department of Criminal Justice One-Time Special Request Fund for Local Law Enforcement Agencies, with the City of Roanoke providing \$1,350.00 as a local cash match from funds budgeted in the Police Training budget, Account No. 001-640-3115-2044; that the City Manager be authorized to execute the grant agreement and any related documents, to be approved as to form by the City Attorney; that Council appropriate of \$5,400.00 and

establish corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund; and transfer \$1,350.00 from Police Training, Account No. 001-640-3115-2044, to Transfer to Grant Fund, Account No. 001-250-9310-9535.

Mr. Dowe offered the following budget ordinance:

(#36466-090203) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36466-090203. The motion was seconded by Mr. Harris and adopted by the following vote:

and Mayor Smith7.
NAYS: NONE0.
Mr. Fitzpatrick offered the following resolution:
(#36467-090203) A RESOLUTION authorizing the acceptance of the One Time Special Request Fund for Local Law Enforcement Agencies by the Commonwealth of Virginia Department of Criminal Justice Services and authorizing the execution of any required documentation on behalf of the City.
(For full text of Resolution, see Resolution Book No.68.)
Mr. Fitzpatrick moved the adoption of Resolution No. 36467-090203. The motion was seconded by Mr. Dowe and adopted by the following vote:
AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith7.

NAYS: NONE -----

BUDGET-ROANOKE CIVIC CENTER-COMMONWEALTH OF VIRGINIA BUILDING: The City Manager submitted a communication advising that the United States Bankruptcy Court leases space in the Commonwealth Building; funding is needed for renovation and expansion of office space currently utilized by the U. S. Bankruptcy Court; cost of renovation and expansion will be covered through adjustments to the lease contract over a period not to exceed five years; and additional funding is needed for completion of Phase I of the project.

The City Manager recommended that she be authorized to transfer \$180,000.00 from the following sources to the U. S. Bankruptcy Court: \$133,414.00 from FY03 Unappropriated Capital Maintenance and Equipment Replacement Program Funds, Account No. 0013-3323, \$29,800.00 from the Residual Equity Transfer Account from the closeout of Management Services and Materials Control Funds, Account No. 001-3337, and \$16,786.00 from the Capital Improvement Reserve Buildings, Account No. 008-052-9575-9173.

For the Civic Center Expansion and Renovation Project, the City Manager recommended transfer of \$260,000.00 from the Capital Improvement Reserve-Buildings Account No. 008-052-9575-9173, to the Transfer to Civic Center Fund, Account No. 008-530-9712-9505; appropriate 260,000.00 in the Civic Center Expansion/Renovation, Phase I, Account No. 005-550-8615-9003, and establish a corresponding revenue account in the Civic Center Fund.

Mr. Dowe offered the following budget ordinance.

(#36468-090203) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General, Civic Facilities and Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36468-090203. The motion was seconded by Mr. Cutler and adopted by the following vote:

	<b>AYES: Council Members Bestpitch,</b>	Cutler, Dowe,	Fitzpatrick,	Harris,	Wyatt,
and M	ayor Smith	~,,			7.
	NAVO NONE				•

HUMAN RESOURCES-BUDGET-GRANTS-VIRGINIA EMPLOYMENT COMMISSION: The City Manager submitted a communication advising that the City of Roanoke is the grant recipient for Workforce Investment Act (WIA) funding, thus, Council must appropriate funds for all grants and other monies received, in order for the Western Virginia Workforce Development Board to administer WIA programs; the Western Virginia Workforce Development Board administers the Federally funded Workforce Investment Act (WIA) for Area 3, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, and the Cities of Covington, Roanoke, and Salem; and WIA funding is intended to be used for the following primary client populations:

- 1. Dislocated workers who have been laid off from employment through no fault of their own;
- 2. Economically disadvantaged individuals as determined by household income guidelines defined by the U. S. Department of Labor;
- 3. Youth who are economically disadvantaged, or have other barriers to becoming successfully employed adults; and
- 4. Businesses in need of employment and job training services.

It was further advised that the Western Virginia Workforce Development Board has received a Notice of Obligation (NOO) from the Virginia Employment Commission authorizing Workforce Investment Area 3 to spend \$101,565.00 for the Adult Program and \$518,742.00 for the Youth Program, which serve economically disadvantaged persons, and \$128,313.00 for the Dislocated Worker Program, which serves persons laid off from employment through no fault of their own in Program Year 2003 (July 1, 2003 - June 30, 2004).

The City Manager recommended appropriation of Western Virginia Workforce Development Board Workforce Investment Act funding, in the amount of \$748,620.00, and establish corresponding revenue estimates in accounts to be established in the Grant Fund by the Director of Finance.

Mr. Fitzpatrick offered the following budget ordinance.

(#36469-090203) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36469-090203. The motion was seconded by Mr. Dowe and adopted by the following vote:

	AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt	t,
and N	ayor Smith	٠.
	NAYS: NONE	).

CITY MARKET-FEE COMPENDIUM: The City Manager submitted a communication advising that Downtown Roanoke, Inc., (DRI) administers the day to day operations for the Historic Roanoke City Market, vendors selling goods on the City Market currently pay DRI a monthly market space fee (formerly a curbage fee) ranging from \$20.00 to \$30.00, or a daily rate of \$5.00 per space; DRI uses fee revenues for DRI management fees and to fund operational and marketing expenses for the City Market; and fees were last revised in 1991.

It was further advised that a DRI City Market Fees Subcommittee consisting of several vendors was formed to evaluate the fee schedule and to submit a proposal to the Market Rules Committee; on August 4, 2003, the fee proposal was approved by the Market Rules Committee (which included vendor representatives) and a quarterly meeting was held with market vendors; those venders in attendance unanimously approved the fee proposal; and on August 12, 2003, the DRI Board of Directors voted in favor of the new market space fees, effective January 1, 2004.

It was noted that the current market space fee schedule was approved pursuant to Resolution No. 35494-080601 on August 6, 2001, but no fee increases were made at that time; in light of the need to update the market fee schedule and to enhance promotional efforts, which was expressed by vendors participating in the process, the following are recommended:

- The Monthly Primary/Shared permit or license will be \$35.00 per space.
- The Monthly Saturday Only permit or license will be \$40.00 per space.
- The Daily permit or license will be \$10.00 per space.

The City Manager recommended that Council approve market space fees as above described and amend the City's Fee Compendium accordingly, effective January 1, 2004.

Mr. Dowe offered the following resolution:

(#36470-090203) A RESOLUTION providing for an amendment to the fees charged for the use of market spaces at the Roanoke City Market, with such changes to be effective January 1, 2004; and directing amendment of the Fee Compendium.

(For full text of Resolution, see Resolution Book No.68.)

Mr. Dowe moved the adoption of Resolution No. 36471-090203. The motion was seconded by Mr. Fitzpatrick.

Messrs. Mark Woods and Tony Thomas, market vendors, spoke in support of the proposed rental fees.

David Diaz, President, Downtown Roanoke, Inc., spoke in support of the proposed curbage rental fees.

Resolution No. 36470-090203 was adopted by the following vote:

AYE	S: Council	Members	Bestpitch,	Cutler,	Dowe,	Fitzpatrick,	Harris,	Wyatt
and Mayor	Smith							7.

NAYES: NONE-----0.

REPORTS OF COMMITTEES: NONE.

**UNFINISHED BUSINESS: NONE.** 

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY COUNCIL-VIRGINIA MUNICIPAL LEAGUE: Mr. Dowe offered the following resolution designating Mayor Ralph K. Smith as Voting Delegate and Vice-Mayor C. Nelson Harris as Alternate Voting Delegate for the Annual Business Session and meetings of the Urban Section of the Virginia Municipal League and designating the City Manager as the Staff Assistant for any meetings of the Urban Section on Tuesday, October 21, 2003, said meeting to be held in the City of Roanoke:

(#36471-090203) A RESOLUTION designating a Voting Delegate and Alternate Voting Delegate for the Annual Business Session and meetings of the Urban Section of the Virginia Municipal League and designating a Staff Assistant for any meetings of the Urban Section.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36471-090203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

	AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris,	Wyatt,
and M	layor Smith	7.
	NAYS: NONE	0.

CITY COUNCIL-NATIONAL LEAGUE OF CITIES: Mr. Harris offered the following resolution designating Council Member M. Rupert Cutler as Voting Delegate and Council Member William D. Bestpitch as Alternate Voting Delegate for the Annual Business Meeting of the National League of Cities to be held on Saturday, December 13, 2003, in Nashville, Tennessee.

(#36472-090203) A RESOLUTION designating a Voting Delegate and Alternate Voting Delegate for the Annual Business Meeting of the National League of Cities.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Harris moved the adoption of Resolution No. 36471-090203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

	AYES: Council Members Bestpitch, Cu yorSmith		•	
N	NAYS: NONE	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		 0
N	MOTIONS AND MISCELLANEOUS BUS	SINESS:		

INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:

ARCHITECTURAL REVIEW BOARD: Council Member Bestpitch requested that a July 21, 2003, entry on the Council's Pending Items List with regard to a review of the Architectural Review Board appeals process, be removed from the Pending Items List.

CITY COUNCIL-GREENWAYS: Council Member Bestpitch referred to correspondence from a citizen in regard to non-paved running paths that were constructed and maintained in the Denver, Colorado, area by volunteers. He advised that most of the City's greenways and paved surfaces do not provide the best conditions for those persons who run on a regular basis, and asked that the matter be referred to the City Manager to determine if there are projects in the City of Roanoke where volunteers could be used in the development of non-paved running spaces.

CITY COUNCIL-FIRE DEPARTMENT: Council Member Cutler read a communication from Forest Jones, City Manager, City of Salem, expressing appreciation to the City of Roanoke for assistance in extinguishing a fire on August 20, 2003, at the Northwest True Value Hardware store located on West Main Street in the City of Salem.

CITY COUNCIL-DECEASED PERSONS: Council Member Wyatt requested that the City Attorney prepare a measure memorializing Mrs. John H. Parrot (Brooke), wife of former Council Member John H. Parrot, who served on the Roanoke Public Library Board.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLAINTS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., presented photographs depicting the deterioration of Mason Mill, and asked that the City Manager address the situation as soon as possible. He referred to unsightly conditions in the vicinity of 13<sup>th</sup> Street where junk vehicles are parked along the curb.

ARMORY/STADIUM-COMPLAINTS: Mr. John Kepley, 2909 Morrison Avenue, S. E., addressed Council with regard to the decision to construct a new stadium/amphitheater at Orange Avenue and Williamson Road. He called attention to the financial irresponsibility of the decision and advised that when the City Manager took office in January 2000, the debt load per citizen was approximately \$600.00 versus approximately \$2,000.00 currently and climbing; and numerous new taxes have been imposed during the current City Manager's administration which have been approved by Council.

#### He further advised that:

\*The proposed deficit for the 2007 budget will be approximately \$15 million and inquired as to how the deficit will be met the answer is a major increase in real estate taxes for Roanoke's citizens.

\*From 1988 to 1992, the debt increased \$36 million over a five year period; from 1993 to 1998 another \$30 million; and from 1999 to 2003 - \$119 million.

\*The City Manager has stated that the new stadium complex will cost no more than \$18 million, but if the real truth is known, another \$10 to \$12 million could be added, bringing the total cost to approximately \$30 million.

\*He referred to the \$38 million that will be spent next year to build a new Patrick Henry High School, or the \$40 million that will be spent for a new William Fleming High School in 2007; and the lease agreement with a local business man for \$110,000.00 per month for 240 months, or 20 years, which equals \$26 million, with only rent receipts to show for the expenditure, which represents fiscal irresponsibility.

\*A task force should be appointed and charged with the responsibility of curbing the reckless spending of taxpayers' money.

ARMORY/STADIUM: Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that she is concerned about the future direction of the City of Roanoke, and disrespect for honest and open debate. She also expressed concern about the route that four elected officials and one Council Appointed officer took with regard to the proposed stadium/amphitheater project at Williamson Road and Orange Avenue, and inquired as to why certain City officials are throwing logic and caution to the wind in order to present a contested project in contested territory. She advised that barrels have been uncovered at the proposed site without extensive study as to their contents; and inquired if this shows concern for close by neighborhoods such as Lincoln Terrace, Gainsboro and other surrounding neighborhoods, yet construction plans for the new facility continue. She stated that false information was provided to the City's consultants and false impressions were given about the true cost of the stadium/amphitheater project; and a common thread throughout the entire process has been a lack of dissemination of the true facts.

PAY PLAN-PERSONNEL DEPARTMENT-ARMORY/STADIUM: Mr. Robert Gravely, 3360 Hershberger Road, N. W., expressed concern with regard to the leadership of the City of Roanoke. He called attention to the need for an improved pay scale for City employees and a more educated work force. He spoke against construction of a new stadium/amphitheater on Orange Avenue and Williamson Road, and encouraged the City to renovate and aggressively market Victory Stadium.

### **CITY MANAGER COMMENTS:**

FIRE DEPARTMENT-WATER RESOURCES: The City Manager advised that during and immediately following the fire at Northwest True Value Hardware, the City of Roanoke provided water to the City of Salem for several days, in order to ensure an adequate and clean water supply.

COMPLAINTS: In regard to the previous remarks of Mr. Craft concerning the Mason Mill project, the City Manager advised that a mechanical problem was experienced some time ago and City staff is currently assessing costs in order to repair the damage which will be extensive due to the age of the Mill.

POLICE DEPARTMENT: The City Manager presented an update on the Street Crimes Unit which became operational on August 1, 2003, and advised that as a part of the program, police officers have focused their attention on known high crime areas which have been the location of frequent citizen complaints.

HOUSING/AUTHORITY: The City Manager advised that recently a citizen appeared before Council questioning whether there is a conflict of interest relative to Council Member Dowe's purchase of property in the City of Roanoke, and his subsequent construction of a house through Blue Ridge Housing Development Corporation. She explained that several months ago, the City responded to the Regional Office of the U. S. Department of Housing and Urban Development in regard to a question regarding a potential conflict of interest; whereupon, she reported that on August 22, 2003, a communication was received from the Director of the Richmond Office, U. S. Department of Housing and Urban Development, advising that the department found that documentation provided by the City is sufficient to close the matter, with a determination that no conflict of interest violating public trust, as codified in HUD's Community Development Block Grant regulations, has occurred.

CITY CODE-MOPEDS: The City Manager advised that effective September 30, 2003, the City of Roanoke will begin enforcement enforce of the moped ordinance and the community will be advised of the various locations where mopeds may be registered.

At 2:45 p.m., the meeting was declared in recess for one briefing and two closed sessions.

At 2:55 p.m., the Council meeting reconvened in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, for a briefing on management of the City's parking garages and surface lot parking.

# **PARKING GARAGES:**

Representatives of Lancor Parking, LLC, presented the following:

\*A history of Lancor's corporate profiles include:
Established in 1989
World headquarters in Midtown, Atlanta
Fastest growing parking company worldwide
Manages a multitude of facilities in 17 cities
315+ locations
1,000+ employees
Annual gross revenue in excess of \$52 million
Believes that their customers are best served by associates with local ownership

\*Corporate profile with regard to parking operations/consulting includes:

Office Class "A"

Municipal

**Special Events** 

Residential

Mixed-use

**Hospitals** 

\*Experience includes:

2000 Democratic National Convention

2001 Sugar Bowl

2002 Winter Olympic Games

\*Some of Lancor's contracts/acquisitions include:

City of Roanoke - 4,000 spaces

**Forsyth Medical Center** 

**High Point Regional Medical Center** 

Bank of America - Charleston, South Carolina

Dominion Tower - Norfolk, Virginia

**Atlantic Station** 

**One Atlantic Center** 

**Buckhead Plaza** 

**Underground Atlanta** 

Atlanta Exchange (Macy's)

**Capital City Plaza** 

**BellSouth Metro Plan** 

Resurgence Plaza

**Centennial Tower** 

**Renaissance Center** 

**South Trust Centergy & Metropolis** 

\*First year accomplishments, Customer Service Improvements - City of

Roanoke:

Friendly and responsive staff

**Presentable Booths** 

Windshield wash

City map program

Superior customer service

"I Wish" program

**Mystery Parker Program** 

Message in a Bottle

\*First year accomplishments, Maintenance and Cleanliness - Facility Cleaning Procedures
Daily cleaning
Equipment maintenance
Scheduled monthly painting
Landscaping services
Bulbs and lamps

\*First year accomplishments, Equipment Replacement/Enhancements
On line system
Complete access control
Occupancy tracking
True parking scenario
Enhanced Revenue

Enforcement:
Parking enforcement ambassadors
Ticketing technologies
Ticket track system

\*Maintenance and Cleanliness:
Daily cleaning
Equipment maintenance
Scheduled monthly painting
Landscaping services
Bulbs and lamps

\*First year accomplishments/recommendations implemented:
Problems found and fixed:
Maintenance and equipment at Gainsboro
Fire systems at Williamson Road Garage
Plumbing at Century Station Garage
Wiring at Market Square Garage
Conduit issues at all garages

Waiting list reduction:
New equipment enhancement
Card audit

Transit revenue: Cashier audits

Validation Programs:
City guest validation tracking
Paid validation program

\*Future Coals and Projects in Progress
Alternative Revenue Solutions
Billboard advertising opportunities
Ticket Advertising
Garage Security Plan
Create Way Finding Signage
Direct area visitors to parking
Variable parking special signs
Marketing campaign
Parking is available in the Market
Objective parking consulting
Validation programs
Discounted validation plan

At 3:20 p.m., the Mayor declared the City Council meeting in recess for two Closed Sessions, which were conducted in the Council's Conference Room, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 3:55 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

	AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, H	larris, Wyatt,
and M	ayor Smithayor Smith	7.
	NAYS:	0.

OATHS OF OFFICE-PERSONNEL DEPARTMENT-CITY EMPLOYEES: The Mayor advised that there is a vacancy on the Personnel and Employment Practices Commission created by the resignation of Carol W. Tuning, and called nominations to fill the vacancy.

There being no further nominations, Mr. Bradley was appointed as a member of the Personnel and Employment Practices Commission, for a term ending June 30,

2006, by the following vote:

Mr. Bestpitch placed in nomination the name of Edward C. Bradley.

FOR MR. BRADLEY: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith -----7. NAYS: -----0. OATHS OF OFFICE-HOUSING/AUTHORITY: The Mayor advised that the four year term of office of Joseph F. Lynn an a Commissioner of the Roanoke Redevelopment and Housing Authority expired on August 31, 2003, and called for nominations to fill the vacancy. Mr. Fitzpatrick placed in nomination the name of Joseph F. Lynn. There being no further nominations, Mr. Lynn was reappointed as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2007, by the following vote: FOR MR. LYNN: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith -----7. OATHS OF OFFICE-SCHOOLS: The Mayor advised that there is a vacancy on the Virginia Western Community College, Board of Directors, created by the ineligibility of Audrey Wheaton to serve another term, and called for nominations to fill the vacancy. Mr. Fitzpatrick placed in nomination the name of Joseph B. Wright. There being no further nominations, Mr. Wright was appointed as a member of the Virginia Western Community College, Board of Directors, for a term ending June 30, 2007, by the following vote: FOR MR. WRIGHT: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith -----7.

NAYS: -----0.

OATHS OF OFFICE-HUMAN SERVICES COMMITTEE: The Mayor advised that the one year term of office of Vickie L. Price as a member of the Human Services Committee expired on June 30, 2003, and called for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Vickie L. Price.

There being no further nominations, Ms. Price was reappointed as a member of the Human Services Committee for a term ending June 30, 2004, by the following vote:

FOR MS. PRICE: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith ------7.

There being no further business, at 4:00 p.m., the Mayor declared the meeting in recess until Friday, September 5, 2003, at 8:30 a.m., for the City Council's Planning Retreat, to be held at the Donaldson Brown Hotel and Conference Center, on the campus of Virginia Tech, Blacksburg, Virginia.

The September 2, 2003 City Council meeting reconvened on Friday, September 5, 2003, at 8:30 a.m., in the Executive Board Room, Donaldson Brown Conference Center, on the campus of Virginia Tech, Blacksburg, Virginia, with Mayor Ralph K. Smith presiding.

COUNCIL MEMBERS PRESENT: William D. Bestpitch, M. Rupert Cutler, Beverly T. Fitzpatrick Jr. (arrived late), C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith------6.

ABSENT: Council Member Alfred T. Dowe, Jr.-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

OTHERS PRESENT: Rolanda B. Russell, Assistant City Manager for Community Development; George C. Snead, Jr., Assistant City Manager for Operations; and Dr. Bruce Blaylock, Facilitator.

The meeting was opened with a welcome by Dr. Mark McNamee, Provost and Vice-President of Academic Affairs, Virginia Tech.

Dr. Bruce Blaylock, a professor at Radford University, served as Facilitator.

COUNCIL: Dr. Blaylock commended the Council on establishing a tremendous amount of ground in its previous Council Retreats, and advised that the agenda for the day would include strategic planning which can be broken down into a triangle, including Action, Results, Goals, Strategies, Mission and Vision; with the Vision serving as the planning piece – What does Council want to see for the City of Roanoke? He stated that the Council would engage in an exercise to reaffirm its mission and to establish goals for the coming year, with a focus on results to accomplish goals and an exercise enumerating those things that have been accomplished that the Council is most proud of; to affirm or to revisit the Vision for 2012; to review the four established strategic goals to ensure that they continue to represent the Council's direction; to identify the most pressing issues for attention by Council in the coming year; and to establish a timetable for addressing specific issues.

Members of Council and the City Manager participated in an exercise listing accomplishments of the City of Roanoke during the past year:

\*The water situation has improved and the City is on a path to a long term solution.

\*Adopted the Comprehensive Plan/Neighborhood Plans.

\*Resignation of a Member of City Council – the unexpired term was filled and the process ran smoothly.

\*The Victory Stadium issue was addressed while maintaining professional and personal respect/lines of communication were kept open.

\*Progress on housing issues: Southeast by Design which is the revitalization of a low to moderate income neighborhood; and (2) encouraging more market rate development on available City property.

\*Initiated steps to improve air service by working with other governments in the area and the Roanoke Regional Chamber of Commerce/improved working relationships with other governments.

\*Established a good working relationship with the School Board.

\*Improved the quality of appointments to a number of Council Appointed boards and commissions.

\*Adopted an improved process for appointment of persons to boards and commissions.

\*Upon the retirement of the Director of Real Estate Valuation; a Council Appointed Officer, the position was merged with the responsibilities of the Director of Finance. A smooth transition occurred while streamlining operations and increasing efficiency.

\*Developed better working relationships with elected entities in surrounding jurisdictions through more interaction and thinking of the area as a region/the City of Roanoke reached out to other localities.

\*First employee survey has established a good baseline for future surveys/a plan is in place for responding to the survey/and a plan of action will be developed.

\*Saved taxpayers' money by taking advantage of low interest rates and refinancing the City's long term debt.

\*Reduced the number of City owned vehicles which has lowered emissions and reduced air pollution.

\*Strengthened greenway trail system management of Carvins Cove Watershed for recreation.

(At this point, Council Member Fitzpatrick entered the meeting.)

\*Actions taken by the City Manager have led to an improved environment.

\*The City was impacted by State budget cuts/lack of revenue growth. The decrease was absorbed without a negative impact on service to Roanoke's citizens.

\*Much progress has been made on revising the Zoning Ordinance a group of approximately 20 citizens have volunteered a tremendous amount of time reviewing the ordinance line by line and point by point.

\*The Council and the City Manager have taken on a major role in the Virginia First Cities Coalition to address State budget cuts.

\*Council is more decisive in making leadership decisions.

- \*Protection of Roanoke's neighborhoods through architectural standards.
- \*Successfully addressed the naming of something in memory of Dr. Martin Luther King, Jr.
- \*Addressed the need for improvements on the first floor (Planning, Building and Code Enforcement are more responsive to the community).
- \*Working effectively to address deer management in the City.
- \*A newly formed committee, the Roanoke Neighborhood Advocates, have taken neighborhood organizations to a higher level of advocacy.
- \*The City organization and the Roanoke community have engaged in a higher use of technology.
- \*Establishment of Event Zone.
- \*Downtown housing has been increased through endorsement by Council of the housing policy.
- \*Adoption of the 2003 Legislative Program/five bills were introduced and approved by the Virginia General Assembly.
- \*Adoption of a new procurement ordinance that brings structure to the City's procurement system.
- \*Improved coordination of planning and coordination with market area vendors/outdoor dining.
- \*Greater follow through and accountability on the Comprehensive Plan.
- \*Council and the City Manager are more comfortable with change and dealing with conflict when there is not a perfect resolution, which has made the City organization stronger.
- \*A good working relationship between Members of Council, the City Manager, and Members of the City staff.
- \*Improved Council communication.

There was discussion with regard to ways to improve communication with citizens; whereupon, the following comments were offered:

\*Televise on RVTV Channel 3 informal Council briefings and joint sessions of the Council and other Council Appointed committees, such as the Roanoke City School Board, Roanoke Redevelopment and Housing Authority, Architectural Review Board, City Planning Commission, etc.

\*Summary by the City Manager of each agenda item listed under the City Manager's section of the agenda prior to introduction of the item.

\*Posting of announcements routinely read by the Mayor prior to each Council meeting on a screen in the Council Chamber.

\*Summarization of actions taken at each Council meeting immediately following the Council meeting on RVTV-Channel 3.

\*Summarization of the contents in the title paragraph of each budget ordinance.

\*Electronic voting by the Council as a time saving measure.

The facilitator reviewed the 2012 Vision - Principals to Guide Our Future:

\*Recognized as the Capital of Western Virginia: Economic, Government, Service, Culture

\*Strong Neighborhoods: Quality City Infrastructure, Livable Homes

\*Recognized for Educational Excellence: 1st Rate Schools, Preschools to Universities

\*City Connectivity with Universities and Colleges

\*Riverfront Developed as an Exciting, Mixed Use Focal Point: To Live, To Work, To Play

\*Protection of Our Natural Beauty and Resources

\*Reuse and Redevelopment of Land for Better Uses

\*Businesses and Individuals Investing in Roanoke, in Downtown

\*Entertainment Destination Point: Major Events, Sports and Festivals

\*Young Adults Choose to Live Here: Reputation as an Exciting Place to Live

\* Ease in Travel To and From Roanoke: Air, Rail, Highway

\*Quality Water Supply: Adequate, Affordable Costs Meeting Community Needs

\*Strong Community Pride in Roanoke

\*Financially Sustainable City Government with Cost-Effective Service Delivery

Dr. Blaylock inquired as to changes, if any, that the Council would like to make in the 2012 Vision; whereupon, the following were reported:

CHANGE: Ease in Travel To and From Roanoke: Air, Rail, Highway

TO: Ease in Travel To, From and Within Roanoke: Air, Rail, Highway

CHANGE: Strong Neighborhoods: Quality City Infrastructure, Livable Homes

TO: Strong Neighborhoods: Quality City Infrastructure, Market Rate Or Mixed Use Homes

ADD: Develop River Front As An Exciting Focal Point

ADD: Roanoke Should Have Jobs That Lead to the Area Being the Economic Engine for the Region.

Dr. Blaylock led the Council in a review of the following goals/objectives:

**GOAL NO. 1 - HEALTHY LOCAL ECONOMY** 

# **Objectives:**

- \*Promote development of upper end housing opportunities.
- \*Partner with other localities to attract businesses to Roanoke Valley.
- \*Actively promote and market "Roanoke"- our brand.
- \*Support the retention and expansion of local businesses and increase participation by all businesses.
- \*Strengthen the Roanoke Valley link to other metropolitan areas via air service, rail service and interstate highways.
- \*Diverse local economy: medical, government, tourism, small businesses.
- \*Place for businesses to start and grow.
- \*Development of a quality workforce linked to job opportunities.
- \*Raise per capita income at level to support families.
- \*Wastewater, water capacity to support businesses, including water reuse.
- \*Expanded outdoor activities in the natural area.
- \*Highest retail sales tax per capita more unique, distinctive shopping opportunities attracting shoppers.

(No changes were suggested by Council to Goal No. 1.)

# **GOAL NO. 2 - STRONG NEIGHBORHOODS**

# **Objectives:**

- \*Improving property maintenance through prevention and enforcementincluding removal of blighted/worn-out structures.
- \*Involving citizens as responsible partners in enhancing quality of neighborhoods and addressing neighborhood problems.

- \*Supporting home ownership and well-maintained, safe homes range of homes available at affordable prices.
- \*Developing and using realistic, usable neighborhood plans that link to Comprehensive Plan and guides the future of the neighborhood.
- \*Protecting the integrity of the neighborhood through design/development standards, standards for infill.
- \*Preserving our community heritage our architecture, our neighborhoods, our housing options.
- \*Significant improvement in specific targeted neighborhoods.
- \*Linking neighborhoods to amenities.
- \*Pedestrian-friendly street designs and neighborhoods.
- \*Diverse incomes living in neighborhoods.
- \*Maintaining/improving City infrastructure: streets, streetscapes.

(No changes were suggested by Council to Goal No. 2.)

# **GOAL NO. 3 - VIBRANT GREATER DOWNTOWN**

## **Objectives:**

- \*Increasing residential opportunities in downtown area, including attracting support businesses supermarket, drugstore, other retail.
- \*Expanding downtown revitalization into areas surrounding neighborhoods.
- \*Supporting major projects: education center, Riverside Center, job opportunities, building/infrastructure development.
- \*Enhancing downtown aesthetics and cleanliness greenspaces, trees, streets and streetscapes.
- \*Protecting quality of downtown development through zoning, development standards, quality infrastructure.

- \*More adequate, accessible parking to support downtown revitalization.
- \*Developing reputation as center for culture and arts, entertainment.
- \*Expanding entertainment opportunities.
- \*Developing connecting districts market, financial rail.
- \*Alive 24/7.
- \*Maintaining integrity for downtown.
- \*Determining best land use in downtown.
- \*Becoming destination point people coming to and attracted to downtown.

Council suggested one revision to Goal No. 3:

CHANGE: Developing reputation as center for culture and arts, entertainment.

TO: Developing reputation as center for culture and arts, entertainmentsupport office and institutional uses.

GOAL NO. 4 - QUALITY SERVICES: RESPONSIVE, COST EFFECTIVE

## **Objectives:**

\*Investing and using technology in service delivery and management.

\*Evaluating City performance through City surveys and benchmarks.

- \*Developing and retaining productive, motivated workforce with well-trained, competent and diverse employees.
- \*Process of continuous improvement empowering employees to offer ideas and to try a new approach.
- \*Quality City facilities and buildings.
- \*Streamlining service delivery.

\*Focusing on core competency of City.

\*City providing valued services, responsive delivery.

\*Use of green technology and resources by City government.

\*Customer service valued and demonstrated by our City employees.

Greater accountability for services, results.

No changes were suggested by Council to Goal No. 4.

The Facilitator requested that Council and the City Manager break out into three teams to review each of the objectives listed under the four goals, and respond to the following questions: "I know this objective will be completed when?" "What will it look like when we get to the point that we are satisfied?"

Dr. Blaylock requested that each team take a specific goal and draft actions that they believe are appropriate for the Council and the City Manager during the coming year, in order to reach a vision on what the goal should look like at the end of one year. Secondly, each team was requested to place a check mark indicating whether the action is to be initiated by the City Manager or the City Council; if an individual Member of Council wishes to take responsibility, they were requested to place their initials beside the item; and the two Assistant City Managers were instructed to engage in an activity identifying obstacles that could prevent successful completion of an action.

Following the exercise, Council and the City Manager were instructed to identify top and high priority items.

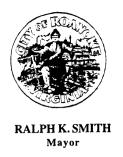
Dr. Blaylock advised that a compilation of responses would be prepared following the meeting and forwarded to the City Manager.

(See compilation on file in the City Clerk's Office.)

The City Manager advised that the responses by Council Members in the priority ranking of certain items reinforced some of the attention that has been given by Council to those items. She called attention to budget challenges, and input by Council will provide good direction to City staff; and all items will be reviewed following receipt of the summary by Dr. Blaylock.

There being no further business, the Mayor declared the September 2, 2003
meeting of City Council, which was recessed until Friday, September 5, 2003, at 8:30
a.m., adjourned.

	APPROVED	
ATTEST:		
Mary F. Parker		Ralph K. Smith
City Clerk		Mayor



# CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

October 23, 2003

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

Ralph K. Smith

Mayor

RKS:snh



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

October 23, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice-Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council

Subject:

Fund Appropriations from Prior Year

Retained Earnings for Technology

Needs

# Background:

The Information Technology Committee (ITC) has completed review of technology projects and equipment needs throughout the organization and has developed a list of recommendations that have been determined to meet the goals of the Information Technology Strategic Plan. Attachment 1 provides supporting detail and cost information for each of these needs. All items will be purchased in accordance with the requirements as set forth in Chapter 23.1, Procurement, of the Code of the City of Roanoke, as amended.

The Department of Technology, an internal service fund, currently has retained earnings available for appropriation of \$1,125,000 that can be allocated for technology needs. Also, funding in the amount of \$1,566,635 is available from the following sources:

•	Capital Funding included in the FY04 Technology Budget	\$ 541,338
•	Debt Service savings due to bond refunding	350,000
•	Water and Sewer Fund Retained Earnings	380,000
	(Replacement of utility billing system server and fund 50%	
	of Work Management System)	

•	School Fund – Year 1 of 10 (total funding commitment of \$1.5 million for Financial Application Systems Project)	150,000
•	Help America Vote Act grant funding for voting machines	100,000
•	Reallocation of Existing Project Tracking System Funds	34,947
•	Roanoke Valley Libraries (RVL)	10,350
Total		\$1,566,635

The total of all funding sources available for appropriation is \$2,691,635.

# Recommended Action:

City Council adopt the attached budget ordinance to appropriate funding to new or existing project accounts to be established by the Director of Finance to support strategic technology needs and enhancements.

Respectfully submitted,

Darlene L. Burcham City Manager

Attachment

DLB:rm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Assistant City Manager
Barry L. Key, Director of Management and Budget
Sherman M. Stovall, Budget Administrator

CM03-00211

# Information Technology Committee 2003-2004 Funding Recommendations (Total: \$2,691,635)

	Project Description	Cost
J. I	Maintenance or Upgrade of Existing Technology	
1	AS/400 Replacement: Replace the existing Utility Billing AS/400 server to accommodate Water Authority needs.	180,000
2	Enterprise GIS: Continue to expand our current enterprise GIS system and to develop several new enterprise GIS applications.	100,000
3	Fire/EMS Connectivity: Replace existing ISDN connections at all fire stations with updated high-speed VPN connections to improve communications speed and reliability.	24,000
4	<u>Library Print Reservation System</u> : Additional funds needed to purchase a print reservation system for managing library patron printing needs in several Library computer labs.	16,100
5	<u>Lotus Notes Upgrade</u> : Major enhancement to Lotus Notes 6 (e-mail, calendar, Intranet/Internet applications)	50,000
6	Network Infrastructure Upgrades: Replace outdated network infrastructure equipment and purchase network monitoring tools.	115,000
7	PC Replacement Program/Office Automation Project: Funding to continue the PC Replacement Program and associated desktop software.	225,000
8	Police Crime Analysis Equipment: replace out-dated audio/visual equipment for Criminal Investigation Bureau.	18,321
9	Radio - Sims II: Upgrade to the Radio Infrastructure due to obsolete/unsupported equipment.	100,000
10	Telecommunications Training: Funding to educate two DoT employees on supporting the new telephone system and the 800MHz Radio system, a less expensive option than contracted maintenance.	23,000
	Total for Maintenance or Upgrade of Existing Technology:	\$851,421
11. 1	New Technology Projects	
1	Financial Application Systems: Funding for the first phase of a multi-year project to replace existing financial systems used by the City and Schools with an integrated solution – the first phase will be replacement of the Budget Preparation System.	600,000 (150,000 from Schools)
2	Fleet Management Training Equipment: Technology equipment needed to support an on-site training area for Fleet Management.	9,500
3	Parking Ticket System: Additional funding to procure an automated parking ticket system. Project was initially approved in 2002.	78,000

4	Police Mobile Computers: Purchase six mobile computers for	60,000
	new take home police cars.	
5	Risk Management Web Module: Procure software for	20,000
	departments to enter accident and liability claims.	
6	Voting System: Purchase an automated Voting System for the	600,000
ĺ	City of Roanoke in compliance with State requirements.	
	Additional funding for this project is provided by state grants and	
<u> </u>	existing capital funds.	
7	Work Order System: Enterprise work order system to enhance	400,000
	productivity by better managing work throughout the organization.	
8	<b>Contingency</b> : Reserve funds to handle miscellaneous project	\$72,714
	needs for new or existing projects.	
N fa a	Total for New Technology Projects:	\$1,767,500
	TOTAL for all Technology Projects :	\$2,691,635



AN ORDINANCE appropriating funding to various technology projects, amending and reordaining certain sections of the 2003-2004 General, Water, Water Pollution Control, Parking, Technology, and School Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 General, Water, Water Pollution Control, Parking, Technology, and School Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

General Fund Appropriations Transfer to Technology Fund Transfer to Debt Service Fund	001-250-9310-9513 001-250-9310-9512	\$ 350,000 (350,000)
Water Fund		
Appropriations Transfer to Technology Fund Retained Earnings	002-510-2172-9513	190,000
Retained Earnings Available for Appropriation	002-3348	(190,000)
Water Pollution Control Fund		
Appropriations Transfer to Technology Fund Retained Earnings	003-510-3172-9513	190,000
Retained Earnings Available for Appropriation	003-3348	(190,000)
Parking Fund Appropriations		
Appropriated from General Revenue Revenues	007-430-8251-9003	78,000
Transfer from Technology Fund	007-110-1234-1120	78,000

# Technology Fund

Appropriations		
Appropriated from General		
Revenue	013-052-9804-9003	100,000
Appropriated from General		
Revenue	013-430-9865-9003	600,000
Reserve - Future Capital Outlay	013-430-1602-3028	(541,338)
Transfer to Parking Fund	013-430-1602-9507	78,000
Appropriated from General		
Revenue	013-430-9845-9003	225,000
Appropriated from General		
Revenue	013-430-9850-9003	23,000
Appropriated from General		
Revenue	013-430-9854-9003	115,000
Appropriated from General	0.40 400 00=0 0000	(0.4.0.47)
Revenue	013-430-9858-9003	(34,947)
Appropriated from General	040 400 0000 0000	00.000
Revenue	013-430-9862-9003	20,000
Appropriated from General	042 420 0000 0002	70 744
Revenue	013-430-9866-9003	72,714
Appropriated from General	042 420 0070 0002	10 100
Revenue	013-430-9872-9003	16,100
Appropriated from General	012 420 0005 0002	60,000
Revenue	013-430-9885-9003	60,000
Appropriated from General Revenue	013-430-9888-9003	400,000
Appropriated from General	013-430-9000-9003	400,000
Revenue	013-430-9889-9003	100,000
Appropriated from General	010-400-3003-3003	100,000
Revenue	013-430-9890-9003	50,000
Appropriated from General	010 100 0000 0000	00,000
Revenue	013-430-9891-9003	180,000
Appropriated from General	0.0 .00 000 . 0000	100,000
Revenue	013-430-9892-9003	600,000
Appropriated from General		000,000
Revenue	013-430-9893-9003	24,000
Appropriated from General		,
Revenue	013-430-9894-9003	9,500
Appropriated from General		,
Revenue	013-430-9895-9003	18,321
Revenues		
Transfer from Debt Service Fund	013-110-1234-1193	350,000
DOT - Salem and County	013-110-1234-1069	10,350
Transfer from Water Fund	013-110-1234-1035	190,000
Transfer from Water Pollution		
Control Fund	013-110-1234-1036	190,000
Transfer from School Fund	013-110-1234-1127	150,000
Help America Vote Act Grant	013-110-1234-9894	100,000
Retained Earnings		
Retained Earnings Available for		
Appropriation	013-3348	(1,125,000)

# **School Fund**

Appropriations
Replacement - Machinery &
Equipment

030-065-6004-6686-0801

(150,000)

Transfer to Technology Fund

030-065-6007-6999-9013

150,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

October 23, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable Dr. M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Sharing Bureau of Alcohol, Tobacco,

and Firearms (ATF) Seized Property

- Appropriation of Funds

# Background:

Various law enforcement agencies often participate with the ATF in criminal investigations. Property seized in a criminal investigation, in which other law enforcement agencies participate, is divided among the ATF and the participating agencies.

The Roanoke Police Department has received \$100,306.50 from ATF as its share of property seized as a result of such a criminal investigation. Revenue received is available for appropriation in Revenue Account No. 035-640-3335-3346 and must be used for training and equipment for the Department. The City and County are now working together in the development of a regional driver training facility. Up to \$70,000 of this ATF revenue will be used to fund a portion of the City's share of development costs associated with the regional driving range. The remainder of funding will be used for equipment related purchases for the Department.

#### Considerations:

Council action is required to appropriate the funds into the Grant Fund - ATF line item expense accounts and increase estimated revenues for same.

Honorable Mayor and Members of City Council Sharing of ATF Seized Property - Appropriation of Funds Page 2

## Recommended Action:

Appropriate funding of \$100,306 for the ATF One-time Deposit, as outlined below, and establish a revenue estimate of the same in Account Number 035-640-3335-3346 in the Grant Fund:

Description	Object Code	<u>Amount</u>
Construction - Other Equipment	9065 9005	\$ 70,000 <u>30,306</u>
Total		\$100,306

Sincerely,

Darlene L. Burcham City Manager

## DLB:mds

c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk A. L. Gaskins, Chief of Police

CM03-0198



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE appropriating funds for the Alcohol, Tobacco, and Firearms Grant, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Furniture and Equipment	035-640-3335-9005	\$ 30,306
Construction Other	035-640-3335-9065	70,000
Revenues		·

ATF One Time Deposit 035-640-3335-3346 100,306

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

## ATTEST:



## **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com October 23, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Woodrow Wilson Middle School Fitness Center Agreement

## Background:

The Parks and Recreation Department opened its first fitness center in partnership with the Roanoke Public Schools at Breckinridge Middle School in October 1997. This was followed by fitness center openings at Woodrow Wilson Middle School in November 1998, Addison Middle School in December 1999 and Jackson Middle School in February 2001. The original Agreement for Woodrow Wilson expired October 14, 2003.

Roanoke City Public Schools use the fitness room and equipment for physical education classes and sports conditioning. Parks and Recreation operates the facility as a fitness center, open to the general public during non-school hours.

#### Considerations:

The current one year Agreement with the Roanoke City School Board, with option to renew for four additional one-year terms expired October 14, 2003. This current Agreement was authorized by City Council via Ordinance Number 34029-100798. Minor revisions have been made to the current Agreement. It is requested that the revised Agreement be continued for an additional term of one year, with option to renew for up to four additional one-year terms, ending October 31, 2008. Details of the rights of both the City and the Roanoke City School Board are contained in the attached Agreement.

Honorable Mayor and Members of Council October 23, 2003 Page 2

### Recommended Action:

Authorize the City Manager to execute the attached Agreement in a form approved by the City Attorney and continue the operation of the Woodrow Wilson Fitness Center.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:kaj

## Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Steven C. Buschor, Director of Parks and Recreation
Dr. E. Wayne Harris, Superintendent, Roanoke City Schools
Richard Kelley, Assistant Superintendent of Operations, Roanoke City Schools
Rolanda B. Russell, Assistant City Manager for Community Development

#CM03-000206

### **AGREEMENT**

THIS AGREEMENT is made this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 2003, between the CITY OF ROANOKE, VIRGINIA, hereinafter referred to as "City", and the ROANOKE CITY SCHOOL BOARD, hereinafter referred to as "School Board".

## WITNESSETH:

IN CONSIDERATION of the mutual covenants contained in this Agreement, the City and the School Board agree as follows:

- 1. <u>Premises</u>: The facility which is the subject of this Agreement ("Premises") shall be the fitness room, the gymnasium, lobby, the restrooms, the men's and ladies' locker rooms, and other mutually agreed upon designated space at Woodrow Wilson Middle School located at 1813 Carter Road, S.W., in the City of Roanoke.
- 2. <u>Term of Agreement</u>: The term of this Agreement shall be from October 14, 2003, until October 31, 2004. This Agreement shall be extended for four (4) additional one-year terms, unless a party terminates the Agreement pursuant to Paragraph No. 13, in writing, no later than thirty (30) days prior to the last day of the then-current term of the Agreement.
- 3. <u>Terms of Use</u>: The Premises shall be open to the general public, subject to the following terms and conditions:
- (a) The fitness room shall be available to all persons who are sixteen (16) years of age or older. Persons who are fourteen (14) to sixteen (16) years of age may use the fitness room upon completion of training provided by the Woodrow Wilson Middle School Physical Education Department or the Fitness Trainer employed by the City. 10/01/03

- (b) The Director of the City of Roanoke Department of Parks and Recreation ("Director") shall implement an identification procedure to ensure that only authorized persons are using the Premises and that their use is at the appropriate rate.
- (c) The hours of operation of the Premises shall be as follows ("Operational Hours"):
  - (i) Fitness Room: 4:00 p.m. 9:00 p.m., Monday through Friday, for use by the general public, and 3:30 p.m. to 4:00 p.m. for cleaning and preparation.
  - (ii) Gymnasium: 5:00 p.m. 9:00 p.m., Monday through Friday, for use by the general public, for the first year of the Agreement, and in the future at such times as the parties mutually agree in writing. Gymnasium use is subject to school use through prior reservation by the school principal.
  - (iii) Locker rooms, and mutually agreed upon designated space: to be used at such times and subject to fees as agreed upon in writing by the parties. A take down and set up fee may be charged if the school's custodial staff is required to take such action because of the nature of the activity using a facility.
  - (iv) The Premises shall be accessible from 8:00 a.m. until 3:00 p.m. on Saturdays, and from 1:00 p.m. until 6:00 p.m. on Sundays.

The Director shall have the authority to adjust the hours of operation of the Premises, or any portion thereof, in writing, and the Director shall have the authority to cancel use of the Premises for any date or dates pursuant to this Agreement due to inclement weather or any other reason.

(d) The School Board may rent the gymnasium at any time the Premises are not scheduled to be used by the City. All arrangements relating to such rental shall be made

through the School Board.

- (e) The School Board shall continuously maintain appropriate temperature and reasonable humidity control throughout the year in the fitness room for the proper maintenance and protection of the equipment in the fitness room.
- (f) The City will be responsible for the cost of repairs for damages (other than fair wear and tear or damages caused by the negligence of any School Board employee) to the facility caused by persons using the facility as part of a City-sponsored program.
- 4. Equipment: The equipment in the fitness room belongs to the City. The City shall be responsible for the cost of repairing or replacing all equipment damaged or destroyed by normal use of the equipment. The School Board shall repair or replace any equipment willfully or intentionally damaged or destroyed by any person at any time not during Operational Hours, and the City shall repair or replace any equipment willfully or intentionally damaged or destroyed by the general public during Operational Hours. Each party shall perform an inventory and inspection prior to each day of use and shall note the results of the same on forms approved and provided by the Director. The determination of whether equipment shall be repaired or replaced shall be the Director's decision.
- 5. <u>Conflicts in use</u>: Use of the Premises by the general public pursuant to this Agreement shall be subject to events scheduled by the School Board. Reasonable notice of such events shall be given to the Director, in writing, preferably fourteen (14) calendar days of the first day of the event. If less than ten (10) days notice is given, then the School shall supply the City an alternate location on site, adequate enough to allow for their prescheduled

event.

- 6. Additional areas for use: The City shall have use of office space within the fitness room for administering this Agreement. The City shall also have use of one-half (1/2) of the storage room for storage of materials.
- 7. Access to equipment: The City and the School Board shall have access to, and may use, all equipment which is stored at Woodrow Wilson Middle School as of the date of this Agreement, including volleyball standards, aerobic steps, and mats. Such equipment, if damaged willfully or intentionally during a use time administered by one of the parties, shall be repaired or replaced by that party within thirty (30) days of the equipment being damaged.
- 8. <u>Maintenance of Premises</u>: The School Board shall maintain and clean the Premises after use of the same during a school day and before use of the Premises by the general public pursuant to this Agreement. The School Board shall maintain and clean the Premises before and after the use of the same on each Saturday and Sunday the Premises are used by the general public pursuant to this Agreement. The City shall pay the School Board for each Saturday or Sunday such custodial services are provided at a mutually agreeable rate.
- 9. <u>Utilities</u>: The School Board shall pay for all utilities, including water and electricity, for use of the Premises Monday through Friday, and the City shall pay a prorated share of such utilities for use of the Premises on Saturday and Sunday at a mutually agreeable rate. The City will pay all monthly fees incurred as a result of the telephone located in the office described above, as well as all long distance calls made during the hours of operation

for use by the general public.

10. Vendor Machine(s): The School Board may restrict access to, or use of, the

vending machine(s) 7:00 a.m. to 3:30 p.m., Monday through Friday. All proceeds from the

vending machine shall belong to the City for use to offset costs incurred in administering this

Agreement.

11. Insurance: The School Board shall name the City, its officers, agents, employees

and volunteers as additional insureds as their interests may appear on the appropriate School

Board liability policies with minimum limits of One Million Dollars (\$1,000,000.00) per

occurrence and One Million Dollars (\$1,000,000.00) aggregate. If any organization

sponsored by the City uses the Premises, such organization shall provide the City and School

Board with proof of liability insurance in accordance with the above limits and such

organization shall name the City and School Board, their officers, agents, and employees as

additional insureds. All insurance correspondence shall be sent to the City of Roanoke, c/o

Risk Management Officer, Room 506, Municipal Building North, Roanoke, Virginia 24011.

and Assistant Superintendent for Operations, Roanoke City School Board, P.O. Box 13145,

Roanoke, Virginia 24031.

12. Notice: Notice to the parties, unless otherwise indicated, shall be in writing

and either in person and delivered to the following locations, or by first-class mail:

If to the City:

Director of Parks and Recreation

210 Reserve Avenue, S.W.

Roanoke, Virginia 24016

5

If to the School Board:

Assistant Superintendent for Operations

40 Douglas Avenue, N.W.

Roanoke, Virginia 24012.

13. <u>Termination</u>: This Agreement may be terminated by either party for cause, in writing, with thirty (30) days notice. The City shall have access to its equipment during normal business hours for forty-five (45) calendar days after termination and shall remove the same during that period of time.

- 14. <u>Third-Parties</u>: Neither party shall be obligated or liable hereunder to any person or entity not a party to this Agreement.
- 15. <u>Successors and Assigns</u>: The terms, conditions, provisions and undertakings of this Agreement shall be binding upon and inure to the benefit of each of the parties hereto and their respective successors and assigns.
- 16. <u>Assignment</u>: This Agreement and the rights and obligations hereunder may not be sold, assigned, or transferred at anytime by either party without the prior written consent of the City's City Manager.
- 17. <u>Captions and Headings</u>: The section captions and headings are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
- 18. <u>Cooperation</u>: Each party agrees to cooperate with the other in executing any documents necessary to carry out the intent and purpose of this Agreement.
  - 19. Entire Agreement: This Agreement constitutes the entire agreement and

understanding of the parties.

## WITNESS the following signatures and seals:

	CITY OF ROANOKE, VIRGINIA	
ATTEST:		
	By	
	Its	
Mary F. Parker, City Clerk		
ATTEST:	ROANOKE CITY SCHOOL BOARD	
(title)	(Title)	
Approved as to Form:	Approved as to Execution:	
Assistant City Attorney	Assistant City Attorney	
for City of Roanoke	for City of Roanoke	

5/10/13/03

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to execute an agreement between

the City of Roanoke School Board and the City of Roanoke, allowing the City to operate a

fitness center at the Woodrow Wilson Middle School for use by the general public, upon

certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that the City Manager

and the City Clerk are hereby authorized, for and on behalf of the City, to execute and

attest, respectively, an agreement between the City of Roanoke School Board and the City

of Roanoke, approved as to form by the City Attorney, allowing the City of Roanoke to

operate a fitness center in specified areas at the Woodrow Wilson Middle School for use by

the general public, as more fully set forth in the City Manager's letter dated October 23,

2003, to this Council.

ATTEST:

City Clerk.

H:\RESOLUTIONS\R-BRECKINRIDGEFITNESS.DOC



## **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

October 23, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Lead Hazard Control Grant Program

## Background:

On September 25, 2003, the U.S. Department of Housing and Urban Development announced that the City of Roanoke has been awarded a \$1,543,704 grant for the Lead Hazard Control Grant Program. The goal of the program is to forge partnerships between local government departments, public agencies, faith-based groups and community-based non-profit organizations to educate the community about the hazards of lead, and to identify and control lead-based paint in homes with children less than 6 years of age. The program will focus on three key objectives: outreach/education and training, health screening, and lead hazard control/abatement/reduction. A Lead-Safe Advisory Council has been established to help guide the implementation of the program.

The required 20 percent matching funds level for this grant was exceeded and is comprised solely of in-kind support provided by the participating departments and agencies. This grant was authored and submitted in collaboration with Randall Funding and Development, Inc., the firm with which City Council authorized the execution of a contract for grant writing services.

The Honorable Mayor and Members of Council October 23, 2003 Page 2

### Considerations:

The problem of childhood lead poisoning is very serious here in Roanoke, and especially so in the urban core, which we have targeted with this program. One in 18 of the children younger than 6 years of age who were diagnosed in Virginia between 1995 and 2001 as having contracted lead poisoning came from Roanoke. Almost all the housing stock in the inner City's neighborhoods was built before 1978, the year that lead-containing paint was banned. The housing age and socioeconomic conditions in these areas contribute to the high level of risk for childhood lead poisoning. The Lead Hazard Control Grant Program will educate the public about the issue of lead and how to keep our children safe. It will test at least 1,000 children younger than 6 for lead poisoning. It will provide at least 500 lead-safe cleaning kits to residents. It will provide grants to property owners to abate or neutralize 100 housing units occupied by one or more children younger than 6 years of age. It will also purchase a small, mobile house, which can be used to demonstrate how to keep clean a home with lead-based paint.

### Recommended Action:

Authorize the acceptance of the grant award; authorize the City Manager to execute the required grant agreement and any other related documents; all such documents to be approved as to form by the City Attorney. Establish revenue and expenditure estimates of \$1,543,704 in the Grant Fund in accounts to be established by the Director of Finance entitled "Lead Hazard Control Grant".

Respectfully submitted,

Darlene L. Burcham

City Manager

## DLB/me

C: Mary F. Parker, City Clerk

William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance

Rolanda Russell, Assistant City Manager for Community Development Mike Etienne, Director of Housing and Neighborhood Services

CM03-00207



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE appropriating funds for the Lead Hazard Control Grant, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Fees for Professional Services	035-615-8115-2010	\$1,433,505
Administrative Supplies	035-615-8115-2030	70,000
Business Meals and Travel	035-615-8115-2144	8,299
Miscellaneous	035-615-8115-2170	31,900
Revenues		
Lead Hazard Control Grant	035-615-8115-8115	1,543,704

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

## ATTEST:

5/16/03

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a grant from the United States

Department of Housing and Urban Development, in the amount of \$1,543,704.00, for the

Lead Hazard Control Grant Program; and authorizing the City Manager to execute the

requisite grant agreements.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City hereby accepts a grant from the United States Department of Housing

and Urban Development in the amount of \$1,543,704.00 for the Lead Hazard Control Grant

Program, as more particularly set forth in the City Manager's letter dated October 23, 2003,

to this Council.

2. The City Manager, or the Assistant City Manager, is hereby authorized to

execute any and all requisite documents with the United States Department of Housing and

Urban Development for such funds, such documents to be approved as to form by the City

Attorney.

ATTEST:



## **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

October 23, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject:

Assessment of Court Costs

CM03-0208

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c:

City Attorney City Clerk

Director of Finance



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending Chapter 1, General Administration, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §1-23, Assessment of court costs to support local criminal justice academy, providing for assessment by the City of a fee to provide funding to support the City's criminal justice academy, pursuant to §9.1-106, Code of Virginia (1950), as amended; dispensing with the second reading of this ordinance and providing for an effective date.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Chapter 1, <u>General Administration</u>, of the Code of the City of Roanoke (1979), as amended, is hereby amended by the addition of a new §1-23, <u>Assessment of court costs to</u> support local criminal justice academy, which shall read and provide as follows:

## §1-23. Assessment of court costs to support local criminal justice academy

- (a) A local fee of three dollars (\$3.00) to support the City's criminal justice academy is hereby imposed in every case in which costs are assessable pursuant to §§16.1-69.48:1, 17.1-275.1, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, Code of Virginia. The clerks of the district and circuit courts shall charge and collect this assessment as a part of the fees taxed as costs.
- (b) After collection by the clerk of the court in which the case is heard, the assessment shall be remitted to the city treasurer and held subject to appropriation by the City Council to support the City's criminal justice academy.

- 2. Pursuant to §12 of the Roanoke City Charter, the second reading by title paragraph of this ordinance is hereby dispensed with.
  - 3. This ordinance shall be in full force on and after November 1, 2003.

ATTEST:



## **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

October 23, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject:

Zoning Ordinance Update

This is to request space on Council's regular agenda for a 20-minute briefing on the above referenced subject.

Respectfully submitted.

Darlene L. Burcham

City Manager

DLB:sm

c:

City Attorney

Director of Finance



JESSE A. HALL
Director of Finance
email: jesse hall@ci.roanoke.va.us

## CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director email: ann\_shawver@ci.roanoke.va.us

October 23, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice-Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Century Station Parking Garage

## Background:

In 1992, the City entered into a capital lease with the Roanoke Redevelopment Housing Authority (Housing Authority) for the lease of the Century Station Parking Garage. The Housing Authority, in turn, issued taxable revenue bonds to finance the construction of the facility. The bonds were due to mature in 2022, bearing interest of 9.15%. The lease exercised between the City and the Housing Authority established monthly lease payments from the City which would cover the required payments to bond holders. The agreement provided the City the opportunity to exercise a bargain purchase option at the end of the lease term to acquire title to the garage.

### **Current Situation:**

In July, the City fully paid the outstanding lease amount to the Housing Authority. The Authority, in turn, used this funding to redeem the outstanding bonds. This redemption was made to eliminate future interest cost on the bonds. This created significant savings in light of the relatively high interest rate on the taxable revenue bonds. Redemption of the bonds was funded by debt service funding which has been accumulated in the City's General Fund in anticipation of future bond issuance. Interest cost avoidance of \$1.9 million is estimated as a result of the redemption of this indebtedness. As a result of the redemption of the capital lease and associated bonds,

Honorable Mayor and Members of Council October 23, 2003 Page 2

the lease agreement may now be terminated. Additionally, the City may take title to the property in accordance with stipulations set forth in the lease agreement.

### Recommendation:

Terminate the lease agreement dated March 23, 1992, between the City and the Housing Authority for the lease of the Century Station parking garage.

Authorize the City Manager to accept the conveyance of the garage to the City with general warranty of title, subject to all easements and encumbrances of record, after an acceptable environmental audit is completed, and to execute any necessary documents to terminate the existing lease of the property from the Housing Authority.

Respectfully submitted,

Jam A. Hall

Jesse A. Hall

Director of Finance

JAH/AHS

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
John P. Baker, Executive Director,
Roanoke Redevelopment and Housing Authority

## Interest Saved by Redeeming Parking Garage Lease

	Monthly	
	Interest	Annual
Year	Amount	Interest
•		
2004	18,411.65	220,939.80
2005	17,598.59	211,183.08
2006	16,726.63	200,719.56
2007	15,796.98	189,563.76
2008	14,782.00	177,384.00
2009	13,712.72	164,552.64
2010	12,561.72	150,740.64
2011	11,331.32	135,975.84
2012	10,024.01	120,288.12
2013	8,613.46	103,361.52
2014	7,103.17	85,238.04
2015	5,496.88	65,962.56
2016	3,798.63	45,583.56
2017	1,953.60	23,443.20
		1,894,936.32
	Rounded	1,895,000.00

Source: Debt Compendium

The interest savings shown above is reasonable in light of the amount disclosed as future interest cost in the FY 2002 CAFR.

MARIE

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE and authorizing the termination of the Lease Agreement dated March 23, 1992, between the City of Roanoke Redevelopment and Housing Authority and the City of Roanoke, and any subsequent amendments thereto, for the Century Station Parking Garage; authorizing acceptance of the conveyance by the City of Roanoke Redevelopment and Housing Authority of such garage located at 25 Church Avenue, S. E., bearing Official Tax No. 4015004 to the City; and dispensing with the second reading by title of this ordinance.

WHEREAS, by Lease Agreement dated March 23, 1992, the City of Roanoke Redevelopment and Housing Authority leased the Century Station Parking Garage to the City of Roanoke; and

WHEREAS, the revenue bonds issued by the Housing Authority and used to finance the construction of the parking garage have now been redeemed by the Authority upon the City's payment in July of the outstanding lease amount to the Housing Authority and the City of Roanoke Redevelopment and Housing Authority has offered to convey to the City of Roanoke Century Station Parking Garage located at 25 Church Avenue, S.E., and known as Official Tax No. 4015004.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager is authorized to terminate the Lease Agreement dated March 23, 1992, and any subsequent amendments made thereto, by which the City has leased the

Century Station Parking Garage from the Housing Authority, and to execute any necessary documents to terminate the existing Lease Agreement.

- 2. The City Manager is further authorized to accept conveyance to the City with General Warranty of Title, subject to all easements and encumbrances of record, and subject to an acceptable title report and subject to receipt of an acceptable environmental audit of the Century Station Parking Garage located at 25 Church Avenue, S. E., bearing Official Tax No. 4015004, and to execute any necessary documents to accept the conveyance.
- 3. Pursuant to §12 of the Roanoke City Charter, the second reading by title paragraph of this ordinance is hereby dispensed with.

ATTEST:

Melinda J. Payne Robert J. Sparrow Kathy G. Stockburger David B. Trinkle, M.D. E. Wayne Harris, Ed.D., Superintendent Cindy H. Lee, Clerk of the Board

Roanoke

City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

October 23, 2003

The Honorable Ralph K. Smith, Mayor And Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its October 14 meeting, the Board respectfully requests City Council to approve a State Literary Fund loan application in the amount of \$7.5 million for improvements to Patrick Henry High School. The loan application includes a resolution for architectural supervision. The debt service on the loan will increase the Board's debt service expenditure by \$600,000 commencing in FY2005-06, but no debt service liability is incurred until funds are drawn against the loan account.

The Board appreciates the approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

Enc.

cc: Mrs. Gloria P. Manns

Dr. E. Wayne Harris

Mr. Richard L. Kelley

Mr. Kenneth F. Mundy

Mrs. Darlene Burcham

Mr. William M. Hackworth

Mr. Jesse A. Hall



JESSE A. HALL
Director of Finance
email: jesse\_hall@ci.roanoke.va.us
October 23, 2003

## CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann\_shawver@ci.roanoke.va.us

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice-Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Literary Fund Loan - Patrick Henry High School

Included in the adopted Capital Improvement Program for fiscal years 2004 - 2008 is funding of \$38 million for renovation of the Patrick Henry High School. Funding for the renovation project is to be provided equally by the City and Schools using the most financially advantageous combination of general obligation public improvement bonds, Virginia Public School Authority (VPSA) Bonds, and Literary Fund loans. Literary Fund loans are advantageous due to the low 4% interest rate which may be obtained. Each project has a limit of \$7.5 million in funding which may be obtained from the Literary Fund, and the overall funding allotted to any borrower is limited to \$20 million.

The attached recommendation from the School Board requests City Council's approval of a State Literary Fund loan application in the amount of \$7.5 million for the Patrick Henry High School Project. This will result in debt service of approximately \$600,000 commencing in FY 2006. Funding for this debt service will be provided by the Schools.

We concur in this request of the School Board, and recommend approval of this loan application.

Respectfully submitted,

Jesse A. Hall

Director of Finance

### Attachment

c: Darlene L. Burcham, City Manager William M. Hackworth, City Attorney Mary F. Parker, City Clerk

E. Wayne Harris, Superintendent of City Schools

all

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the School Board for the City of Roanoke to make

application for a loan from the State Literary Fund making permanent improvements to Patrick

Henry High School.

WHEREAS, the School Board for the City of Roanoke, on the 23rd day of October,

2003, presented to this Council an application addressed to the State Board of Education of

Virginia for the purpose of borrowing from the Literary Fund \$7.5 million, for adding to and

improving the present school building at the Patrick Henry High School, to be paid in twenty

(20) annual installments, and the interest thereon at three percent (3%) paid annually.

BE IT RESOLVED that the application of the City School Board to the State Board of

Education of Virginia for a loan of \$7.5 million from the Literary Fund is hereby APPROVED.

and authority is hereby granted the said City School Board to borrow the said amount for the

purpose set out in said application.

The Council of the City of Roanoke will each year during the life of this loan, at the time

it fixes the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for

appropriation expenses and to pay this loan in annual installments and the interest thereon, as

required by law regulating loans from the Literary Fund.

ATTEST:

Melinda J. Payne Robert J. Sparrow Kathy G. Stockburger David B. Trinkle, M.D. E. Wayne Harris, Ed.D., Superintendent Cindy H. Lee, Clerk of the Board

Roanoke

City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

October 23, 2003

The Honorable Ralph K. Smith, Mayor and Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its October 14 meeting, the Board respectfully requests City Council to approve the following appropriations and transfers:

- \$669,581.00 from the 2003-04 Capital Maintenance and Equipment Replacement Fund to provide monies for instructional technology equipment.
- \$499,526.00 to provide funds for the Smaller Learning Community program at William Fleming High School. The program will provide for training of staff and the establishment of smaller student learning communities within the high school. This continuing program will be reimbursed by federal funds.
- \$53,644.00 to provide funds for the Blue Ridge Technical Academy. The program will provide a business and technical education training program for a diverse population of students through a rigorous and challenging academic curriculum. Additional federal charter school funds have been received for this continuing program.

Thank you for your attention to this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns

Dr. E. Wayne Harris

Mr. Richard L. Kelley

Mr. Kenneth F. Mundy

Mrs. Darlene Burcham

Mr. William M. Hackworth

Mr. Jesse A. Hall

Mr. Jim Wells (with accounting

details)



# JESSE A. HALL Director of Finance email: jesse\_hall@ci.roanoke.va.us October 23, 2003

## CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann shawver@ci.roanoke.va.us

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Beverly T. Fitzpatrick, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

- \$669,581 from the 2003-04 Capital Maintenance and Equipment Replacement Fund to provide monies for instructional technology equipment.
- \$499,526 to provide funds for the Smaller Learning Community program at William Fleming High School. The program will provide for training of staff and the establishment of smaller student learning communities within the high school. This continuing program will be reimbursed by federal funds.
- \$53,644 to provide funds for the Blue Ridge Technical Academy. The program will
  provide a business and technical education training program for a diverse population of
  students through a rigorous and challenging academic curriculum. Additional federal
  charter school funds have been received for this continuing program.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely.

Jesse A. Hall Director of Finance

Attachment

JAH/ctg

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of City Schools



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE appropriating funding from the Capital Maintenance and Equipment Replacement Program (CMERP) and from two federal grants, amending and reordaining certain sections of the 2003-2004 School Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 School Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Replacement - Data		
Processing Equipment	030-065-6006-6302-0806	\$ 669,581
Compensation of Teachers	030-065-6335-6100-0121	85,672
Supplements	030-065-6335-6100-0129	129,832
Social Security	030-065-6335-6100-0201	31,174
Retirement - VRS	030-065-6335-6100-0202	3,618
Health Insurance	030-065-6335-6100-0204	5,036
Indirect Costs	030-065-6335-6100-0212	5,766
Repair and		
Maintenance Payments	030-065-6335-6100-0331	54,979
Conventions/ Education	030-065-6335-6100-0554	19,404
Parent Involvement	030-065-6335-6100-0585	67,048
Educational and		
Recreational Supplies	030-065-6335-6100-0614	83,587
Other Operation Supplies	030-065-6335-6100-0615	13,410
Compensation of Teachers	030-063-6851-6100-0121	30,000
Social Security	030-063-6851-6100-0201	2,295
Retirement - VRS	030-063-6851-6100-0202	2,832
Educational and		
Recreational Supplies	030-063-6851-6100-0614	18,517
Revenues		
Federal Grant Receipts	030-062-6335-6335-1102	499,526
Federal Grant Receipts	030-063-6851-6851-1102	53,644
	110 000 0001 0001 1102	00,044

Fund Balance Reserved for CMERP -School

030-3324

(669,581)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

MAH

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION appointing a new Director of the Industrial Development Authority of the City of Roanoke, to fill a four (4) year term on the Board of Directors.

WHEREAS, the Council is advised that the term of office of Lynn D. Avis, a Director of the Industrial Development Authority of the City of Roanoke, Virginia, expired on October 20, 2003; and

WHEREAS, §15.2-4904, Code of Virginia (1950), as amended, provides that appointments made by the governing body of such Directors shall, after initial appointment, be made for terms of four (4) years, except appointments to fill vacancies which shall be for the unexpired terms;

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that F. Gordon Hancock, is hereby appointed as a Director on the Board of Directors of the Industrial Development Authority of the City of Roanoke, Virginia, for a term of four years commencing on October 21, 2003, and expiring on October 20, 2007, to fill a vacancy created by the expiration of the term of office of Lynn D. Avis on the Board occurring on October 20, 2003.

ATTEST:



Architectural Review Board Board of Zoning Appeals Planning Commission

## CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

October 23, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Amendment of Proffered Conditions for parcel of land located at 3034 Brambleton Avenue, S.W., in the City of Roanoke, identified as Official Tax Map Number 1650903, containing a total of 1.103 acres, more or less.

## **Planning Commission Action:**

Planning Commission public hearing was held on Thursday, September 18, 2003. By a vote of 7-0, the Commission recommended Council approve the requested amendment of proffers.

## Background:

A Petition to Amend Proffers was filed on February 6, 2003. A First Amended Petition was filed on June 25, 2003. A Second Amended Petition to Amend Proffers was filed on September 3, 2003.

In March, 2001, by Ordinance No. 35218-030501, two tracts of land located at 3034 and 3042 Brambleton Avenue, S.W., and identified as Tax Map Numbers 1650903 and 1650946, were rezoned from RS-3, Single Family Residential, to C-2, General Commercial, subject to certain conditions proffered by the petitioner. Only the property at 3034 Brambleton Avenue, S.W. (Tax Map Number 1560903) is the subject of this petition to amend proffered conditions. The three conditions presently binding upon the subject property as a result of the conditional C-2, General Commercial, rezoning in 2001 are as follows:

1. That the property will be developed in substantial conformity with the development plan made by David Perfator, dated December 6, 2000, revised

January 9, 2001, and attached to this petition as Exhibit B, subject to any changes required by the City during Comprehensive Site Plan review.

- 2. That the following C-2 uses would not be permitted on the property:
  - a. 36.1-206 (4) Trade and industrial schools of an industrial nature.
  - b. 36.1-260 (37) Establishments primarily engaged in the sale or rental of automobiles, trucks, and construction equipment and including the incidental repair and maintenance of vehicles where the lot area is greater than twenty thousand (20,000) square feet.
  - c. 36.1-206 (46) Kennels with no outside pens or "runs."
- 3. Existing trees within the landscaping buffer will be retained.

The petitioner requests that the existing proffers enacted by Ordinance No. 35218-030501, and delineated above, be repealed as they apply to Tax Map No. 1650903, and that the following proffered conditions be substituted and adopted for application to Tax Map No. 1650903:

- 1. The property shall be developed in substantial conformity with the Site Plan prepared by Balzer and Associates, Inc., September 2, 2003 attached to this petition as Exhibit 2, subject to any changes required by the City during the Comprehensive Site Plan review.
  - a. Existing trees delineated on the Site Plan within the 25-feet deep buffers along the eastern boundary of the property and along the rear of the property shall be retained. Landscaping of the buffer yards, front yard, interior of the lot, and foundation of the building shall be in substantial conformity with the Site plan.
  - b. The building delineated on the Site Plan shall be two stories and shall not exceed 12,000 square feet.
- 2. The use of the property shall be limited to the following principal C-2, General Commercial, District uses:
  - a. General and professional offices, <u>not</u> including financial institutions;
  - b. Medical clinics: and
  - c. Medical offices.
- 3. Freestanding signage on the property shall be a monument or wall sign not to exceed 5 feet in height. Materials of the sign shall match those of the building as shown on Exhibit 3. The sign surface area shall not exceed 80 sq. feet in size.

- 4. The building constructed on the site shall be in substantial conformity with the drawings and elevations provided by Balzer and Associates, Inc., dated August 29, 2003, attached to this petition as Exhibit 3.
- 5. Parking lot lighting shall be a residential scale not to exceed twelve (12) feet in height. All exterior lighting shall be shielded with fully concealed fixtures to prevent glare on adjacent properties.
- 6. Storm water management will be provided by an underground detention system.

### Considerations:

The subject property, which consists of 1.103 acres, is located near the city limits and has 159 feet of frontage on Brambleton Avenue. A 1,311-square foot, 1-story single-family residential structure is located on the site. The wood frame, vinyl-sided house was constructed in 1943. In the conditional C-2 rezoning approved in 2001, the petitioner proposed to permit the operation of a C-2 commercial use, limited by proffer, in the existing house on the site. With the current petition to amend proffers, the petitioner plans to demolish the residential structure for purposes of construction of an office building as conditioned by new proffers.

A variety of commercial and residential uses surround the site.

- Tracts to the north, directly across Brambleton Avenue, are zoned C-2 and include general commercial and office uses such as a convenience store/gas station, produce market, fast food restaurants, hair salon, and dentist's office.
- Tracts directly to the east of the subject property are zoned RM-2 and are developed as duplexes.
- Tracts abutting the rear half of the eastern boundary of the subject property are zoned RS-3 and include single-family houses facing the cul-de-sac of Hollowell Avenue.
- Tracts to the rear of the subject property are located within the jurisdiction of Roanoke County and include a residential neighborhood of single-family houses.
- The parcel directly to the west of the subject property was a part of the petition to rezone to C-2, Conditional, in 2001. A bubble bath shop and party supplies establishment are currently operating in a structure that existed at the time of the conditional rezoning.
- The property to the west of the bubble bath and party supplies shops is zoned RS-3; however, current land use is a nonconforming commercial office structure.

Under the current conditional zoning of the subject property, commercial development is limited to the confines of the existing 1,311-square foot residential structure. Central to this petition is permission to demolish the residential structure and to subsequently construct a two-story, 12,000 square foot office structure. There are two basic planning issues to consider; namely, (1) a permitted increase in intensity of development of the property and (2) a change in land uses permitted on the site.

- (1) In the C-2 District, the maximum floor area ratio (FAR), defined as the gross floor area of all buildings on a lot divided by the area of such lot, is 5.0.
  - With the petition approved in 2001 and retention of the residential structure for commercial purposes, the resulting FAR is 0.03.
  - o The subject petition to amend proffered conditions, with the proffered site plan and building, represents an FAR of 0.25. This FAR is comparable to other commercial development along this section of Brambleton Avenue, including a pizza restaurant (0.37 FAR), dentist's office (0.33 FAR), and a hair salon (0.34 FAR).
  - The proffered conditions further define a compatible scale of development by limiting development to one building with a maximum footprint of 6,000 square feet.
- (2) The existing proffers on the subject property would permit by right forty-four (44) C-2, General Commercial, land use activities. The current petition to amend proffered conditions limits permitted by right principal uses to three.

The request to amend proffered conditions is consistent with **Vision 2001-2020's** policies of encouraging commercial development in appropriate areas (p. 59, ED P6) and utilizing more fully the City's commercial sites, while protecting the integrity of existing residential neighborhoods. The subject property is appropriate for office use as limited by the proffered conditions, which address the development and use of the property in relation to the adjacent residential neighborhood.

- The proffered conditions related to square footage and height of the proposed building are appropriate and comparable in terms of intensity (size, scale, and floor area ratio) of development that currently exists along this section of Brambleton Avenue.
- Establishment of a vegetative landscaped buffer, including the retention of existing trees within 25-feet deep buffer yards along the eastern boundary and the rear of the property, minimizes any conflict between the residential neighborhood and proposed office development.
- The proffered office uses are consistent with this commercial node and are compatible with the adjacent residential neighborhoods.

Development of the site as proffered is consistent with the following policies, recommended actions, and design principles set forth in **Vision 2001-2020**:

- "Roanoke will protect the environment and ensure quality air and water for citizens of the region." (EC P4)
  - o The petition proffers that storm water management will be provided by an underground detention system.

- "Roanoke will maintain and increase its tree canopy coverage as a way to improve air quality." (EC P5)
  - The petition proffers retention of substantial existing trees on the eastern and rear boundaries and provides additional trees along the western boundary and within the parking area.
- "Encourage reduced light pollution from development, particularly in residential neighborhoods." (EC A10) "Lighting should be decorative and pedestrian-scaled in downtown, commercial centers, and village centers." (p. 94)
  - The petition proffers residentially scaled parking lot lighting, not to exceed
     12 feet in height; and
  - The petition further proffers that all exterior lighting will be shielded with fully concealed fixtures to prevent glare on adjacent properties.
- "Buildings and trees should shape the City's image rather than asphalt and signs." (p. 4, #2)
  - The proffered conditions place the building as close to the street as the ordinance will permit, and significant numbers of trees are proffered to be retained and planted.
- "Off-street parking will be encouraged to the side or rear of buildings." (IN P4)
  - The proffered site plan locates all off-street parking to the rear of the building.
- "New development along the City's edges should promote a positive image of the City by respecting natural features, emphasizing high-quality building design, and incorporating appropriate landscaping." (p. 89, City, Design principles)
  - o The subject property is located near the city limits, and the subject petition proffers a site plan and elevations that incorporate the natural topography of the site and proffers landscaping, including foundation landscaping and tree canopy, that exceeds the requirements of the ordinance.
- "Visual clutter ... should be discouraged. Signs should be consolidated and attractively designed." (p. 91)
  - The proffered conditions include the restriction of freestanding signage to one monument sign or sign built into a freestanding wall not to exceed 5 feet in height, with the sign area not to exceed 80 square feet.
- "Building height and location should create a feeling of enclosure along a street."
   (p. 95)
  - The proffered site plan places the building as close to the street as the ordinance will allow, and the proposed two-story structure provides height and bulk along the street helping to better define the streetscape.

No one has expressed opposition to the request.

During the Planning Commission public hearing, Sean Horne of Balzer and Associates, representing the petitioner, presented the request. Nancy Snodgrass, City Planner, presented the staff report, recommending approval of the request.

### Recommendation:

Given the proffered uses, site plan, and elevations of this petition, the Commission recommends approval of the requested amendment of proffers.

Respectfully submitted,

Robert B. Manetta, Chairman

Robert B. Manetla

City of Roanoke Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Dr. Murray E. Joiner, Petitioner



### **CITY OF ROANOKE** OFFICE OF CITY CLERK

215 Church Avenue, S.W., Room 456 Roanoke, Virginia 24011-1536 Telephone: (540) 853-2541 Fax: (540) 853-1145 E-mail: clerk@ci.roanoke.va.us

STEPHANIE M. MOON Deputy City Clerk

SHEILA N. HARTMAN Assistant City Clerk

September 10, 2003

File #51

Robert B. Manetta, Chair City Planning Commission 2831 Stephenson Avenue, S. W. Roanoke, Virginia 24014

Dear Mr. Manetta:

Pursuant to Section 36.1-690(e) of the Code of the City of Roanoke (1979), as amended, I am enclosing copy of a second amended petition received in the City Clerk's Office on September 3, 2003, from Murray E. and Patricia B. Joiner requesting Amendment of Proffered Conditions for rezoning of a parcel of land located at 3034 Brambleton Avenue, S. W., identified as Official Tax No. 1650903, containing a total of 1.103 acres, more or less, as contained in Ordinance No. 35218-030501.

Sincerely,

Stephanie M. Moon Deputy City Clerk

hance M. Moon

:sm

Enclosure

H:\CKMH1\Rezonings - Street Alley Closings.03\Hall.Second Amendment of Conditions Proffered.wpd

Robert B. Manetta, Chair September 10, 2003 Page 2

The Honorable Mayor and Members of the Roanoke City Council pc: Dr. Murray E. Joiner, 4519 Brambleton Avenue, S. W., Suite 302, Roanoke, Virginia

24018

Susan S. Lower, Acting Director, Real Estate Valuation

Martha P. Franklin, Secretary, City Planning Commission

Ronald L. Smith, Building Commissioner

Philip C. Schirmer, City Engineer

William M. Hackworth, City Attorney

Steven J. Talevi, Assistant City Attorney

ON CLERK COSET COMMONIE

### SECOND AMENDED PETITION TO AMEND PROFFERS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Amendment of Proffered Conditions for a parcel of land located at 3034 Brambleton Avenue, S.W., in the City of Roanoke, identified as Official Tax Map Number 1650903, containing a total of 1.103 acres, more or less.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, Murray E. and Patricia B. Joiner, are the owners of property identified as Official Tax Map Number 1650903, heretofore rezoned to C-2, with proffered conditions. Said parcel of land contains 1.103 acres and is located at 3034 Brambleton Avenue, S.W. A map of property is attached hereto as **Exhibit 1.** 

The Petitioner requests that the proffered conditions relative to said property be amended as hereinafter set forth.

The Petitioner believes that the requested amendment of proffers relative to the said tract of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will facilitate the redevelopment and more efficient use of the subject property along a prime commercial corridor in a manner that is sensitive to adjacent residential neighborhoods through the provision of appropriate buffering and residential scale lighting, and that provides for a quality office development with the building creating a strong presence along the street, parking to the rear, and extensive landscaping.

The Petitioner hereby requests that the Proffers enacted by Ordinance No. 35218-030501 be repealed as they apply to Tax Map No. 1650903. Said proffers read as follows:

- 1. That the property will be developed in substantial conformity with the development plan made by David Perfator, dated December 6, 2000, revised January 9, 2001, and attached to this petition as Exhibit B, subject to any changes required by the City during Comprehensive Site Plan review.
- 2. That the following C-2 uses would not be permitted on the property:
  - a. 36.1-206 (4) Trade and industrial schools of an industrial nature.
  - b. 36.1-206 (37) Establishments primarily engaged in the sale or rental of automobiles, trucks, and construction equipment and including the incidental repair and maintenance of vehicles where the lot area is greater than twenty thousand (20,000) square feet.
  - c. 36.1-206 (46) Kennels with no outside pens or "runs".
- 3. Existing trees within the landscaping buffer will be retained.

The Petitioner hereby requests that the following proffered conditions be substituted and adopted for those existing proffers delineated above as they apply to Tax Map No. 1650903:

- The property shall be developed in substantial conformity with the Site Plan prepared by Balzer and Associates, Inc., September 2, 2003 attached to this petition as Exhibit 2, subject to any changes required by the City during the Comprehensive Site Plan review.
  - a. Existing trees delineated on the Site Plan within the 25-feet deep buffers along the eastern boundary of the property and along the rear of the property shall be retained. Landscaping of the buffer yards, front yard, interior of the lot, and foundation of the building shall be in substantial conformity with the Site Plan.

- The building delineated on the Site Plan shall be two stories and shall not exceed 12,000 square feet.
- 2. The use of the property shall be limited to the following principal C-2, General Commercial, District uses:
  - a. General and professional offices, <u>not</u> including financial institutions;
  - b. Medical clinics; and
  - c. Medical offices.
- 3. Freestanding signage on the property shall be a monument or wall sign not to exceed 5 feet in height. Materials of the sign shall match those of the building as shown on Exhibit 3. The sign surface area shall not exceed 80 sq. feet in size.
- The building constructed on the site shall be in substantial conformity with the drawings and elevations provided by Balzer and Associates, Inc., dated August 29, 2003, attached to this petition as Exhibit 3.
- Parking lot lighting shall be a residential scale not to exceed twelve (12) feet in height. All exterior lighting shall be shielded with fully concealed fixtures to prevent glare on adjacent properties.
- 6. Storm water management will be provided by an underground detention system.

Attached as **Exhibit 4** are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the subject property.

Attached as **Exhibit 4** are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the subject property.

WHEREFORE, the Petitioner requests that the above-described proffers applicable to Tax Map No. 1650903, be repealed and amended as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 2 and day of Sept., 2003.

Respectfully submitted,

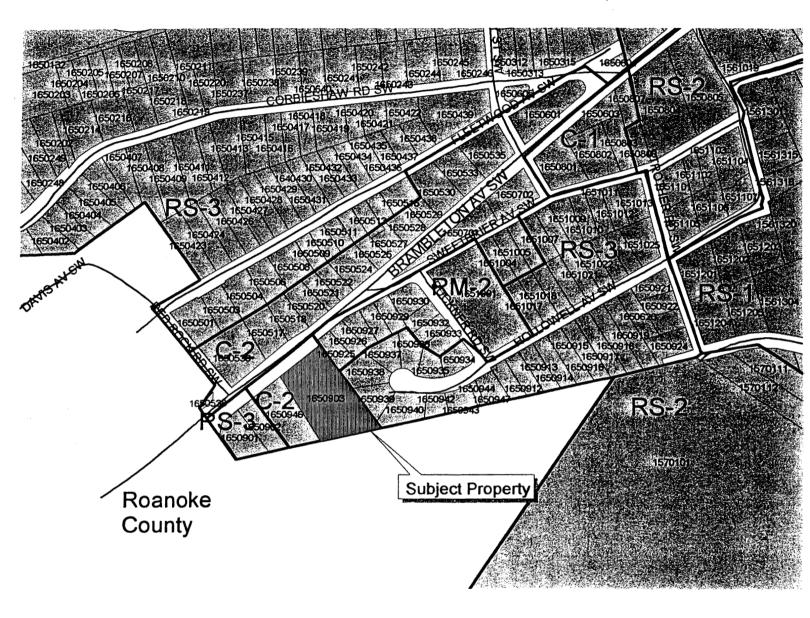
By:

Owner

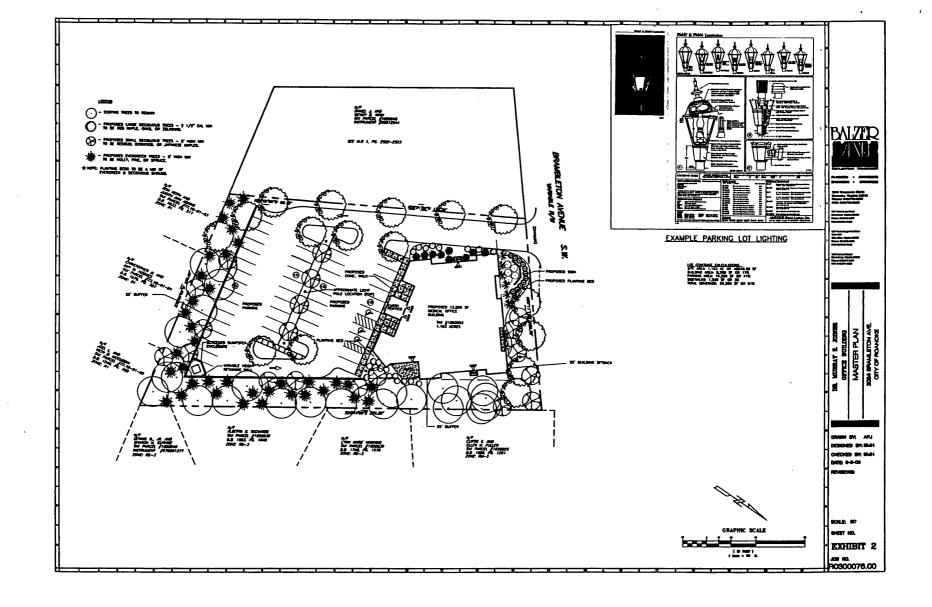
Typed Name of Owner / Petitioner Address Phone Number DR. MURRAY E JOINER 4519 BRAMBLETON AVESW. SUITE 302 PURNOKE, VA 24018

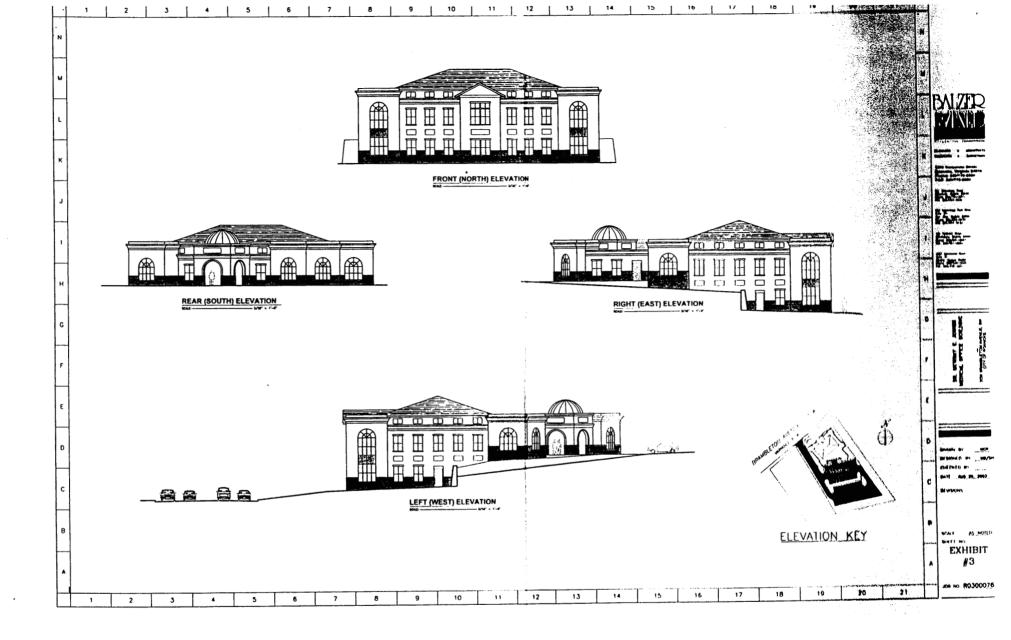
540 - 772 - 0223 (W) 540 - 774 - 05/2 (H)

# 3034 Brambleton Ave, SW









### ADJOINING PROPERTY OWNERS

Tax Map Number	Owner(s) Name(s) and Address	Zoning	•	
CITY OF ROANOKE	, VIRGINIA:		• .	
1650940	Dennis O. & Sharon H. Guthrie, Jr. 3022 Hollowell Avenue, S. W. Roanoke, Virginia 24015	RS3		
1650939	Alberta G. Richards 3026 Hollowell Avenue, S. W. Roanoke, Virginia 24015	RS3	•	
1650938	Lynn M. Hawkins 3027 Hollowell Avenue, S. W. Roanoke, Virginia 24015	RS3		
1650925	Curtis E. & Ellen H. Fuller 1942 Brandon Avenue Roanoke, Virginia 24010	RM2	•	
1650518	JRN Chicken Stores c/o Savage, Savage & Brown P. O. Box 22845 Oklahoma City, Oklahoma 73123	C2		
1650517	Edwin A. Chaney c/o Misty Meadows 3033 Brambleton Avenue, S. W. Roanoke, Virginia 24015	C2		
1650536	Roanoke Valley LLC P. O. Box 12203 Roanoke, Virginia 24023	C2		
1650902	Richard M. & Mary L. Moore 3048 Brambleton Avenue, S. W. Roanoke, Virginia 124015	RS3		
1650946	Daniel J. and Werdy D. 3042 Brambleton die S Roanoke, Virginia 2401	Wynne ( W 5	1-2	



### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 165, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned from RS-3, Single-Family Residential District, to C-2, General Commercial District; and dispensing with the second reading by title of this ordinance.

WHEREAS, Murray E. and Patricia B. Joiner filed an application to the Council of the City of Roanoke to amend certain conditions presently binding upon a tract of land located at 3034 Brambleton Avenue, S.W., being further identified as Official Tax No. 1650903, which property was previously conditionally rezoned by Ordinance No. 35218-030501, adopted March 5, 2001;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on October 23, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in

interest and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the conditions now binding upon the above-described property should be amended as requested.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

- 1. Ordinance No. 35218-030501, adopted March 5, 2001, be repealed to the extent that it relates to Official Tax No. 1650903;
- 2. Sections 36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 165 of the Sectional 1976 Zone Map, City of Roanoke, be amended to reflect the proffered conditions as shown in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on September 3, 2003, and as set forth in the report of the Planning Commission dated September 10, 2003, and Official Tax No. 1650903 be made subject to the proffered conditions set forth in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on September 3, 2003; and
- 2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



#### Architectural Review Board Board of Zoning Appeals Planning Commission

### CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

October 23, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Member One Federal Credit Union,

represented by C. John Renick, attorney, that Gilmer

Avenue, N.E., running in a westerly direction from 4<sup>th</sup> Street, N.E., to an existing cul-de-sac, be permanently vacated.

discontinued and closed.

### Planning Commission Action:

Planning Commission public hearing was held on Thursday, September 18, 2003. A substitute motion was made by Mr. Manetta to recommend that the portion of Gilmer Avenue, N.E., requested for closure, be sold for \$2.50 per square foot (or \$66,300) if there is no proposed performance agreement when the matter is heard by City Council. The substitute motion was seconded by Mr. Rife and approved by a vote of 7-0. At the conclusion of discussion of the issue, a roll call vote was taken on the substitute motion and the Commission, by a roll call vote of 7-0, recommended that City Council approve the closure and charge a price of \$66,300 if a performance agreement is not proposed at the time City Council hears the request.

### Background:

The petitioner requests closure of a portion of Gilmer Avenue, N.E., lying between two of their parcels. The petitioner has operated its branch credit union on Official Tax Map Number 3015008 since 1987. The petitioner purchased the adjoining property, Official Tax Map Number 3014017, on July 15, 2003. Asbestos removal from the hotel building on Tax Number 3014017 has been completed, and demolition of the structure is currently underway.

This portion of Gilmer Avenue is improved with a cul-de-sac at its terminus with Interstate 581. It is currently used for on-street parking, egress from the petitioner's establishment, and as a turn-around.

The petitioner's properties are zoned C-3, Central Business District. East of the petitioner's site is a branch office of the U.S. Postal Service that is zoned LM, Light Manufacturing. Across Kimball Avenue from the petitioner's properties is an office building that is zoned C-3. This portion of Gilmer Avenue abuts Interstate 581 to the west.

Staff received comments from AEP, which had no objection to the closure. Roanoke Gas Company and Verizon both stated they have no opposition to the request. Roanoke Gas Company stated that it will abandon a 3" plastic gas main once the hotel building is razed. Verizon requested that a 15-foot public utility easement be reserved if the right-of-way is vacated.

Staff received comments from the Water Division of the Department of Utilities, which stated no sewer or water facilities will be affected by the requested closure.

Staff also received comments from the Traffic Engineer who noted that a number of cars use the street for parking, and questioned if the proposed closure would result in a loss of parking spaces, but otherwise had no objection to the closure.

The Department of Real Estate Valuation assessed the value of the subject alley as \$66,300, based on C-3 zoning at a rate of \$2.50 per square foot.

Staff did not receive any other comments in support of or in opposition to the requested closure.

### Considerations:

Vacation of the portion of Gilmer Avenue would allow the petitioner to combine the adjoining parcels into one contiguous site and develop it further. The petitioner plans to build an addition to its existing building that will span part of what is now Gilmer Avenue.

The petitioner's concept plan illustrates the following:

- Phase 1 (March 2004 September 2004) Construction of a fourstory parking deck that will provide 200 spaces.
- Phase 2 (July 2004 November 2004) Construction of a two-story branch building with a drive through.
- Phase 3 (November 2004 May 2005) Construction of a fourstory "connector" building with an atrium onto its existing building.

 Phase 4 (March 2005 – October 2005) – Construction of a two or three-story addition onto the structures built in Phases 1 and 3.

Vision 2001-2020 promotes the maintenance of the urban street grid pattern, addresses on-street parking, and land use in the following policy statements:

IN P2 (p.71): "Interconnected street systems should be encouraged in new development and be maintained in existing development."

IN P4 (p.72): Roanoke will encourage on-street parking to wherever possible and discourage excessive surface parking lots."

Downtown Design Principles (p.89): "Long-term parking should be concentrated in parking structures or to the side or rear of principal buildings. Surface parking should be minimized."

The subject portion of Gilmer Avenue was part of the early street grid of the City, yet is no longer connected to the Gainsboro neighborhood due to the development of Interstate 581 and the Roanoke Civic Center. Thus, it is not fully interconnected in the street system. Closure of the subject portion of Gilmer Avenue and the proposed development will not result in any inconvenience or disruption to vehicular circulation. In addition, the cul-de-sac of Gilmer Avenue does not further the urban street design standards the City promotes in Vision 2001-2020.

While the petitioner's proposal will eliminate several on-street parking spaces, the addition of a parking garage will minimize the amount of surface parking on the site. At present, the entire surface area of Tax Map Number 3014017 is paved. The petitioner's existing building on 3015008 has close to a zero lot line on the western and southern sides, with parking to the rear. Building an addition onto this existing building will require most of the surface parking to remain at the rear of the site.

The petitioner's proposal will further the economic development goals of Vision 2001-2020. The petitioner has submitted the following figures to staff as a representation of additional economic activity and tax base growth that will result from the development of these combined parcels:

### Member One (currently)

Current annual Real Estate Taxes (Tax Number 3015008)- \$23,000 Current annual Business Personal Property Taxes - \$16,000 Current total taxes paid to City-- \$39,000 / year

### **Expanded Member One**

Est. new total annual Real Estate Taxes-- \$85,000

Est. new total annual Business Personal Property Taxes-\$24,000

Est. total taxes paid to the City-- \$109,000/ year

The petitioner's current property is assessed at over \$1,723,600, including a building of approximately 12,566 square feet that is assessed at \$1,623,600, which equates to \$129 per square foot for the building, and \$30 per square foot overall.

Following this same assessment formula of \$129 per square foot, the expansion of the facility would be valued at \$10,320,000. The new tax figures above were calculated based on a more conservative \$7.4 million dollar property assessment.

Prior to City Council's consideration of this petition, an agreement will be developed between the City and the petitioner which will ensure performance of these proposed development activities within specified time frames.

During the public hearing, Mr. Williams asked the petitioner's attorney if the hotel site was paved, to which the petitioner replied that the majority of it is. The petitioner's attorney then stated that they intended to have as much green space on the site as possible. Mr. Williams asked the petitioner's attorney if the development was oriented to Interstate 581, to which the petitioner's attorney replied that it is. The petitioner's attorney also stated that the development would be visible from 581, but access would be via 4<sup>th</sup> Street.

Mr. Rife asked the petitioner's attorney to point out the curb cuts on the concept plan. The petitioner 's attorney pointed to the two existing cuts on 4<sup>th</sup> Street and stated that new curb cuts would be determined later. Mr. Rife asked if there was a curb cut on Kimball Avenue. The petitioner's attorney stated that there is a retaining wall along Kimball Avenue that would remain with the new development.

Mr. Manetta asked staff to explain the recommendation that the petitioner would not be charged for the right-of-way, and identify what the City would be getting with the performance agreement. Planning staff explained that any agreement that is reached with the petitioner will ensure that the City can recoup the value of the right-of-way if the petitioner does not comply. Economic Development staff explained the type of content that would go into the performance agreement. Mr. Manetta said that he didn't think the City was getting the true value of the property, and that the petitioner could later sell the land privately for profit.

Mr. Scholz commented that the Planning Commission has to be consistent with each petition. Planning staff commented that street and alley closures differ from one another by the context of the property and impact of the closure on future land development.

Mr. Chrisman stated that the City would benefit from the closure through increased taxes paid by the petitioner, and that the petitioner shouldn't be charged if they entered into a performance agreement. Staff clarified that the performance agreement was incomplete, but that it would be complete before the petition was heard by City Council.

Mr. Rife stated that he was happy to see that the City was taking steps to retain a local business, since usually only new businesses are offered incentives to locate in the City.

Mr. Manetta moved that the right-of-way be sold at \$2.50 per square foot if a performance agreement was not in place prior to City Council's public hearing of the petition. The motion was passed unanimously.

Mr. Williams stated that the petition doesn't guarantee what the development will look like. Mr. Williams stated that some of the design standards of Vision 2001-2020 should've been required of the petitioner's development as conditions for the closure. Mr. Williams clarified his point by saying that a detailed site plan wasn't needed, but that some design guidelines should have been provided. Staff replied that conditions related to the design of the development were not feasible at this time, as the petitioner was not prepared to agree to site plan details.

#### Recommendation:

A substitute motion was made by Mr. Manetta to recommend that the portion of Gilmer Avenue, N.E., requested for closure, be sold for \$2.50 per square foot (or \$66,300) if there is no proposed performance agreement when the matter is heard by City Council. The substitute motion was seconded by Mr. Rife and approved by a vote of 7-0. At the conclusion of discussion of the issue, a roll call vote was taken on the substitute motion and the Commission, by a roll call vote of 7-0, recommended that City Council approve the closure, with the conditions listed below, and charge a price of \$66,300 if a performance agreement is not proposed at the time City Council hears the request.

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.
- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for

recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

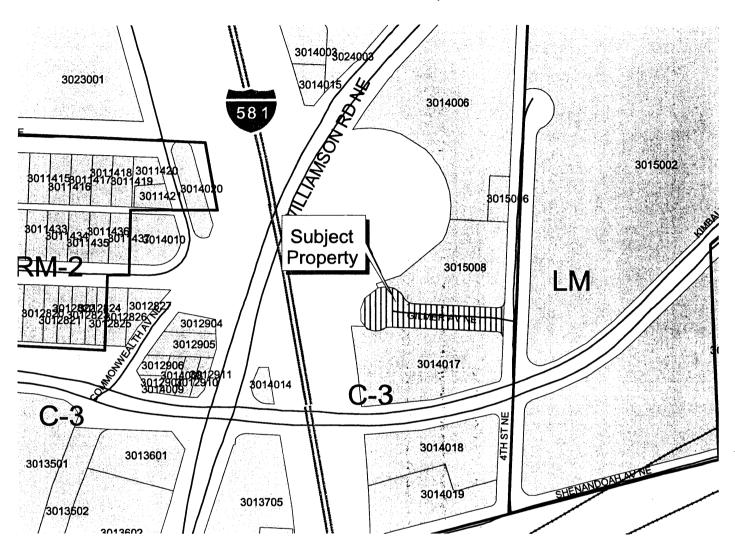
Respectfully submitted,

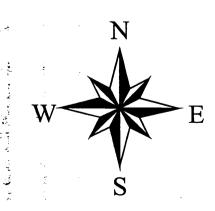
Robert B. Manetta, Chairman

City of Roanoke Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda B. Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Attorney for the Petitioner

# Gilmer Ave, NE





### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:	)	
	)	APPLICATION FOR VACATING
MEMBER ONE FEDERAL CREDIT	)	DISCONTINUING AND
UNION FOR VACATION GILMER .	)	CLOSING OF GILMER AVENUE, N.E.
AVENUE, NE	)	•

### MEMBERS OF COUNCIL:

Member One Federal Credit Union, represented by C. John Renick, attorney, applies to have a portion of Gilmer Avenue, N.E., in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. This portion of Gilmer Avenue is more particularly described on the plat attached and as follows:

BEGINNING at a concrete monument at the intersection of Gilmer Avenue and 4th Street, thence along the outside boundaries of Gilmer Avenue the following distances, continuing with a curve to the left 23.56 feet to a concrete monument, thence in a westerly direction 263.25 feet to a concrete monument, thence with a curve to the left 57.81 feet to a concrete monument, thence continuing westerly 34.00 feet to a point on the line of Interstate Route 581, thence northerly along I-581 79.99 feet to a point; thence leaving I-581 easterly 79.06 feet to a point, thence southerly 58.95 feet to a point; thence with a curve to the right 70.29 feet to a point; thence with a curve to left 33.06 feet to a point; thence along the northerly line of Gilmer Avenue approximately 199.50 feet to a point of intersection of Gilmer Avenue and 4th Street, thence approximately 60 feet southerly to the place of Beginning, and being all of Gilmer Avenue that lies west of 4th Street and east of the Interstate Route I-581, a more complete and accurate description to be shown on a survey that will be prepared at a later date.

The following parcels are contiguous to that portion of Gilmer Avenue and identified by name and official tax numbers:

- (1) Tax Map #3015008

  Member One Federal Credit Union
  P.O. Box 12288

  Roanoke VA 24024
- (2) Tax Map #3015002 United States Postal Service 419 Rutherford Roanoke VA 24016

- (3) Tax Map #3015005 Norfolk and Western Railway 435 Kimball Avenue NE Roanoke VA 24012
- (4) Tax Map #3014018 F W J S S Associates LLC P.O. Box 12167 Roanoke VA 24023

Member One Federal Credit Union, states that the grounds for this application are as follows:

The focus of this proposal pertains to administrative or back office needs that support the staff working in those departments of Member One. Management is currently facing limitation with regard to office space that is hindering its ability to meet present as well as future service delivery goals. Member One intends to build office spaces on the Gilmer Avenue tract, and on the parcel they now own, and is listed as Tax Number 3014018.

WHEREFORE, Member One Federal Credit Union respectfully requests that the above-described portion of Gilmer Avenue be vacated by the Council of the City Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

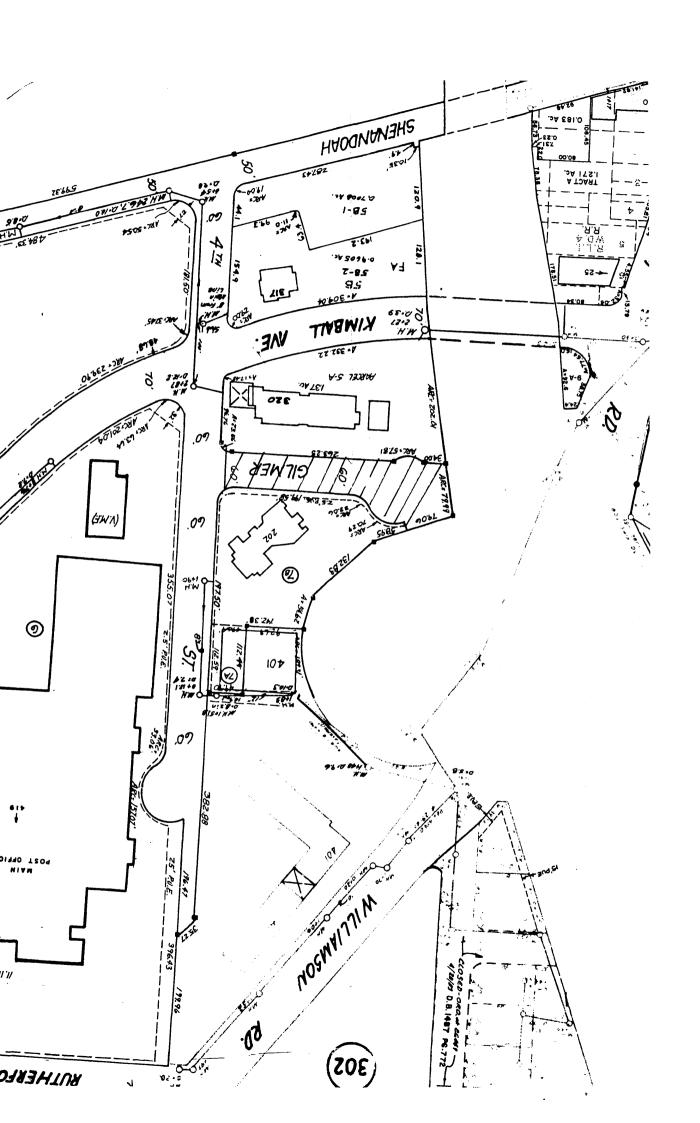
Respectfully submitted,

MEMBER ON FEDERAL CREDIT UNION

ITS SENIOR VICE PRESIDENT

MEMBER ONE FEDERAL CREDIT UNION P.O. Box 12288 Roanoke Virginia 24024 1-540-989-9136

C. John Renick 3130 Chaparral Drive Building B. Suite 103 Roanoke VA 24018



### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

WHEREAS, Member One Federal Credit Union, filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held on such application by the City Council on October 23, 2003, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application;

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing such public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That portion of Gilmer Avenue, N.E., running in a westerly direction from 4<sup>th</sup> Street, N.E., to and including an existing cul-de-sac

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires. gas lines, telephone lines, and related facilities that may now be located in or across such public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove. without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that prior to receiving any of the required approvals of the subdivision plat referenced in the previous paragraph, the applicant and the City of Roanoke shall execute a performance agreement, in form acceptable to the City Manager for the City of Roanoke, the terms of which shall include the applicant's providing, at the time the executed agreement is presented to the City, a letter of credit in favor of the City of Roanoke for the payment of Sixty-six thousand three hundred dollars and no cents (\$66,300.00) to the City of Roanoke under terms and conditions acceptable to the City Manager for the City of Roanoke.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all of the above conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in

interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FURTHER ORDAINED that the applicant shall show its consent to the terms of this closure by executing the ordinance, below, within thirty (30) days of its adoption by City Council.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

### ATTEST:

	City Clerk.					
ACCEPTED and EXECUTED, 20	<b>)</b> by	the	undersigned	this	<u>-</u>	day o
ATTEST:	MEN	/BEF	R ONE FEDER	RAL (	CREDIT (	JNION
Its	By Its					(Seal

	VIRGINIA	9 § To-Wit: §		
The foregoing inst	rument was ac	knowledged b	efore me in my jurisdic	ction aforesaid
this day of	, 200	3, by	, the	, of
Member One Federal Cre	dit Union.			
My Commission ex	xpires:		·	
		No	otary Public	



## **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

October 23, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject:

Member One - Gilmer Avenue

Street Vacation CM03-0209

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c: C

City Attorney City Clerk

Director of Finance

# OF ROAD

### CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

Architectural Review Board Board of Zoning Appeals Planning Commission October 23, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Malcolm M. Rosenberg, represented by Edward A. Natt, attorney, to rezone two properties from RS-3, Residential Single-family District, to C-1, Office District:

- (a) Tax Map No. 1260808, totaling 0.1873 acre, more or less, identified as 2719 Colonial Avenue, S.W.
- (b) Tax Map No. 1260804, totaling 0.2426 acre, more or less, identified as 2735 Colonial Avenue, S.W.

### Planning Commission Action:

Planning Commission public hearing was held on Thursday, September 18, 2003. A substitute motion to consider rezoning each parcel separately was made by Mr. Rife, seconded by Mr. Scholz and approved 7-0. At the conclusion of discussion, a roll call vote was taken on rezoning 2719 Colonial Avenue, S.W., Official Tax No. 1260808 from RS-3 to C-1 and the Commission recommended Council approve the rezoning of Official Tax No. 1260808 by a vote of 4-3 (Messrs. Chrisman, Rife, Scholz and Manetta voting in favor of the motion, Messrs. Butler, Williams and Ms. Prince voting against the motion). A roll call vote was then taken on rezoning 2735 Colonial Avenue, S.W., Official Tax No. 1260804 from RS-3 to C-1 and the motion to recommend the rezoning of Official Tax No. 1260804 failed by a vote of 0-7.

### Background:

The rezoning request is for two non-contiguous parcels located in the 2700 block of Colonial Avenue, S.W. The first subject parcel is an 8,159 square-foot lot situated at 2719 Colonial Avenue (Tax Map Number 1260808.) There is an existing 1,334 square-foot, one-story structure on the parcel. The wood-framed

structure, with brick veneer siding, was built in 1962 and has been used by a fraternal organization. The second subject parcel is an approximately 10,568 square-foot lot located at 2735 Colonial Avenue, S.W. (Tax Map Number 1260804.) There is an existing 924 square-foot structure on the parcel. The vacant wood-framed structure was built in 1956 and is currently listed as a single-family use.

#### Considerations:

A variety of land uses and zoning districts surround the subject parcels:

- Three tracts of vacant land zoned C-1, Office District, are situated directly between the two subject parcels.
- Along Colonial Avenue to the southwest are primarily single-family homes zoned RS-3, Residential Single Family District.
- To the northeast on the same side of Colonial Avenue and on the opposite side of Colonial Avenue directly across from the subject properties, properties are primarily used for commercial purposes and are zoned C-2, General Commercial District. Specific land uses in the area include gas stations, offices, a hair salon, and a miniwarehouse facility.
- Properties on Thorndale Street, to the northwest of the subject parcels, are single-family homes zoned RS-2, Residential Single Family District.

The request to rezone the two subject parcels is consistent with the following statements and recommended actions of **Vision 2001-2020**, the City's Comprehensive Plan:

**Commercial Development:** Revise zoning to encourage maximum use of commercial sites. (ED A27, p.61)

**Commercial Development:** Promote revitalization of underutilized commercial sites. (ED A26, p. 61)

In June 2000, the Board of Zoning Appeals granted a continuation for a special exception for a photography studio as a personal service home occupation for Tax Map Number 1260804. The special exception expires in June 2005. This property has not been used as a primary single-family residence for a number of years.

The application of C-1, Office District, to the subject properties would provide a greater consistency in zoning patterns along Colonial Avenue. The two subject parcels, together with the three existing C-1, Office District, properties sandwiched between the two subject properties, would solidify the potential for a viable commercial/office/mixed use center and would allow for more effective utilization of the five parcels for development. In addition, the permitted uses of

the C-1, Office District, which could include residential uses, would be compatible with existing land uses directly adjacent to, and across, Colonial Avenue, which include small commercial establishments as well as office uses. By solidifying the boundary line for commercial, office, and mixed use development in this location, the C-1, Office District would provide a transition zone buffer between the C-2, General Commercial District to the northeast and the RS-3, Residential Single Family District to the southwest.

Staff received no letters or phone calls in opposition to the request.

During the Planning Commission public hearing, Edward A. Natt, attorney, presented the request on behalf of the petitioner. Nancy Snodgrass, City Planner, presented the staff report, recommending approval of the request.

The Planning Commission opened the meeting for public comment.

- Mr. Willie Carr, 2739 Colonial Avenue, S.W., adjacent to the subject property at 2735 Colonial Avenue
  - In 2000, supported granting of a special exception for 2735 Colonial Avenue for a photography studio as a personal service home occupation
  - Initially had no problem with the current request, but has changed mind on his support of the petition
  - Concerned about the lack of a site plan and how it may affect his property
- Mr. Lee Masten, MKB Realtors, expressed support for the petition
  - Noted poor condition of the existing house at 2735 Colonial Avenue, S.W.; needs significant renovation for habitation
  - The two subject parcels are needed to add to the existing three C-1 properties to create an economically feasible, developable C-1 site in terms of tax base
- Mr. Mike Craighead, 2717 Colonial Avenue, S.W., abutting the subject property at 2719 Colonial Avenue, expressed concern about the request in terms of site development
  - o A lot of fill is already on the property
  - Could result in a severe drop behind the building with parking in the front
  - Concerned about storm drainage
  - Concerned about the lack of a site plan and how it may affect his property

Planning Commission discussion centered on the following issues:

- No problem with the C-1 uses that would be permitted if the request were granted
- Code requirement of a ten-foot wide landscape buffer between the subject properties and the abutting residential districts
- Concern about the lack of a site plan

- o How site development might affect surrounding residential areas
- o Relationship of a building and parking to the street
- Topographical development issues regarding differences in topography between the subject site, particularly Tax Map No. 1260804, and the effect on abutting property
- Recognition of non-residential structure at 2719 Colonial Avenue and the property's being sandwiched between three existing C-1 properties and a C-2 property which is the site of a gasoline station along the frontage of Colonial Avenue
- Acknowledgment that the property at 2735 Colonial Avenue is subject of a special exception for a photography studio that does not expire until 2005; and that a significant amount of back yard has been paved; however, concern that rezoning of this property for commercial/office use would represent "commercial creep" into a residential neighborhood
- Desire to consider separately the rezoning request for each of the two subject parcels

### Recommendation:

A substitute motion to consider rezoning each parcel separately was made by Mr. Rife, seconded by Mr. Scholz and approved 7-0.

By a vote of 4-3, the Planning Commission recommends approval of the request to rezone 2719 Colonial Avenue, S.W., Official Tax No. 1260808.

By a vote of 0-7, the motion to rezone 2735 Colonial Avenue, S.W., Official Tax No. 1260804, failed.

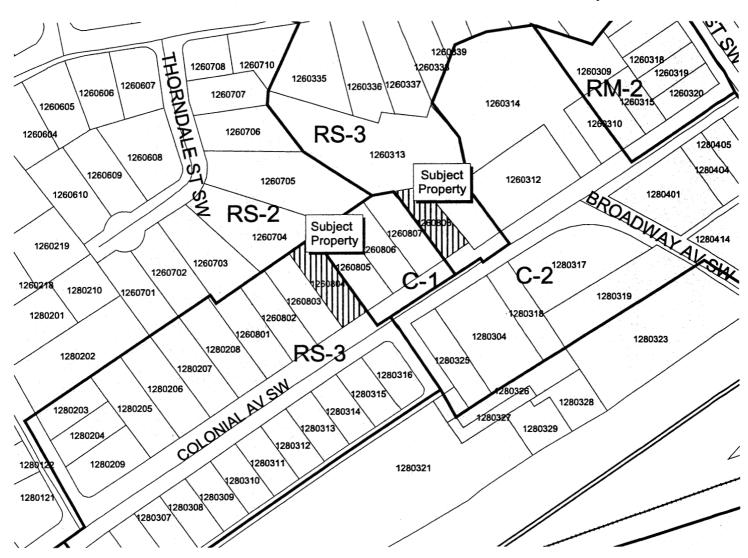
Respectfully submitted,

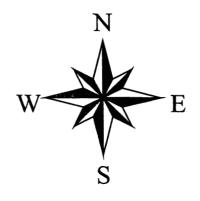
Robert B. Manetta, Chairman Roanoke City Planning Commission

Robert B. Manetta

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Edward A. Natt, Attorney for the Petitioner

### 2719 & 2735 Colonial Ave, SW







#### **PETITION TO REZONE**

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

#### IN RE:

Rezoning of properties from RS-3, Residential Single-Family District, to C-1, Office District:

- (a) Tax Map No. 1260808, totaling 0.1873 acre, more or less, identified as 2719 Colonial Avenue, S.W.
- (b) Tax Map No. 1260804, totaling 0.2426 acre, more or less, identified as 2735 Colonial Avenue, S.W.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, MALCOLM M. ROSENBERG is the contract purchaser of property containing 0.1873 acre, more or less, in the City of Roanoke, situate at 2719 Colonial Avenue, S.W. (Tax Map No. 1260808), and property containing 0.2426 acre, more or less, in the City of Roanoke, situate at 2735 Colonial Avenue, S.W. (Tax Map No. 1260804); both of said tracts being currently zoned RS-3, Residential Single-Family District. Maps of the properties to be rezoned are attached as Exhibit 1-A and Exhibit 1-B.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that said properties containing 0.1873 acre, more or less, and containing 0.2426 acre, more or less, be rezoned from RS-3, Residential Single-Family District, to C-1, Office District, for the purpose of combining the parcels with additional properties so as to provide a larger tract for development purposes.

The Petitioner believes the rezoning of said tract of land will further the intent and purposes of the City's Zoning Ordinance and its Comprehensive Plan, in that it will enable

a parcel of land located on Colonial Avenue, S.W. to be used for commercial purposes as other properties in the area are so utilized.

Attached as <u>Exhibit 2-A</u> and <u>Exhibit 2-B</u> are concept plans that show the existing buildings and drives of the subject properties requested to be rezoned.

Attached as <u>Exhibit 3</u> are the names, addresses and tax numbers of the owners of all lots or property immediately adjacent to and immediately across a street or road from the properties to be rezoned.

WHEREFORE, the Petitioner requests that the above-described properties be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 25 day of \_\_\_\_

<u>,</u> 2003.

MALCOLM M. ROSENBERG

Edward A. Natt, Esq.
OSTERHOUDT, PRILLAMAN, NATT, HELSCHER,
YOST, MAXWELL & FERGUSON, P.L.C.
P. O. Box 20487

Roanoke, VA 24018-0049

Phone:

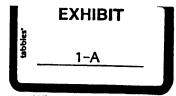
(540) 725-8180

Fax:

(540) 772-0126

VSB #1104

City of Roanoke - GIS





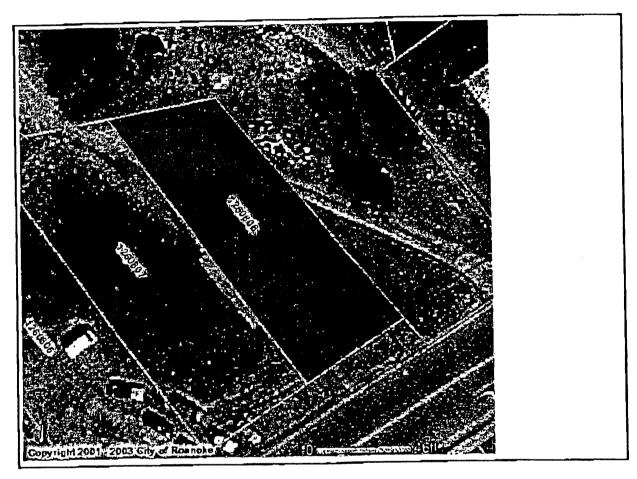
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GIS by Terralogic, Inc.



Property Information Card for: TRS BLUE RIDGE POST #484 VETERANS

2719 COLONIAL AVE SW ROANOKE VA 24015



BUILDING PERMITS

<u>View Permits</u>

Images

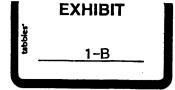


view large photo

Sketches Sketch 1

OWNER/LEGAL INFORMATION

Tax Number Property Address Legal Description 1260808 2719 COLONIAL AV SW LOT 8 BLK 6 SECT 3 GAYMONT City of Roanoke - GIS



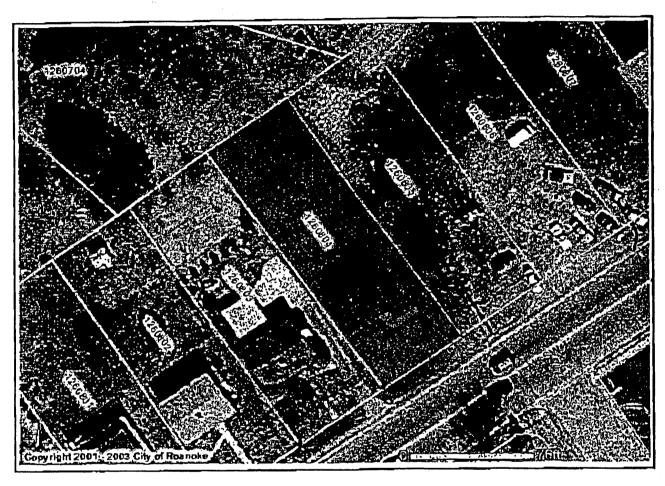
Print Report | Close Window

GIS by Terralogic, Inc.



Property Information Card for: SOWERS SUMMER D 2735 COLONIAL AV SW

**ROANOKE VA 24015** 



BUILDING PERMITS
View Permits
Images

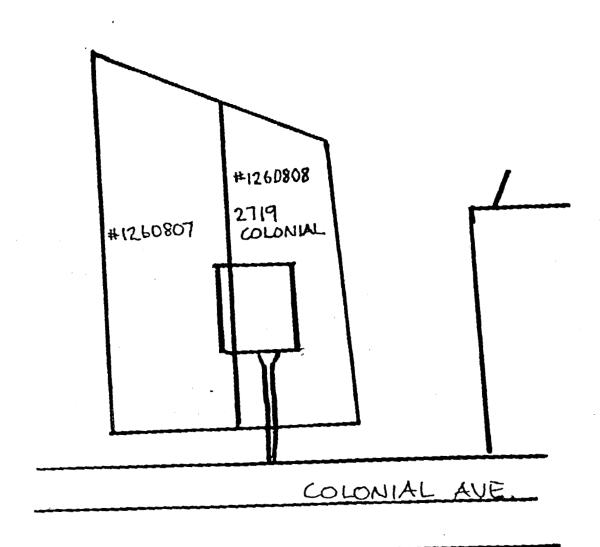


view large photo

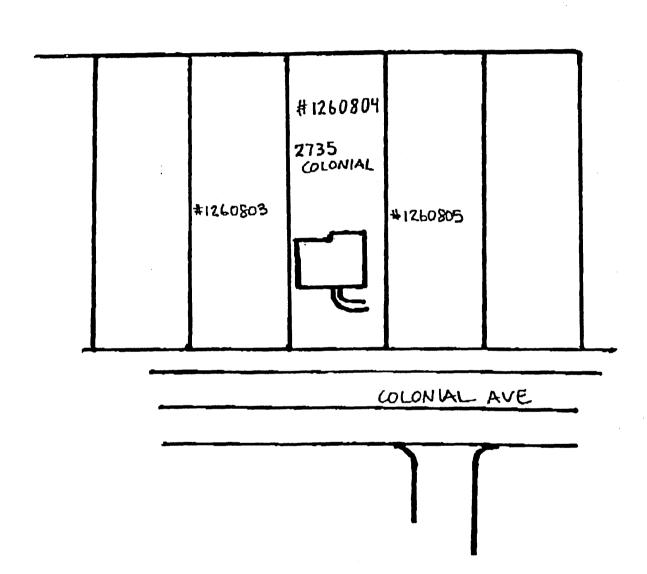
Sketches
Sketch 1
OWNER/LEGAL INFORMATION
Tax Number
Property Address

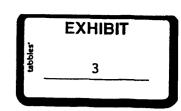
1260804 2735 COLONIAL AV SW





EXHIBIT





#### ADJOINING PROPERTY OWNER LISTING

Tax Map No.:

1260808 and 1260804

Applicant::

Malcolm M. Rosenberg

Owner:

Trustees Blue Ridge Post #484 Veterans (1260808)

Summer D. Sowers (1260804)

Contract Purchaser:

Malcolm M. Rosenberg

#### ADJOINING PROPERTY OWNERS

This list as follows are those property owners who own property beside, behind or across the street from the subject property noted above:

#### CITY OF ROANOKE

Official Tax Number /

**Property Address** 

Owner's Name and Mailing Address

1260313

2717 Colonial Avenue, S.W.

Michael & Christi Craighead

2717 Colonial Avenue, S.W.

Roanoke, VA 24015

1260704

2744 Thorndale Street, S.W.

Tony Gilbert Alexander

2744 Thorndale Street, S.W.

Roanoke, VA 24015

1260803

2739 Colonial Avenue, S.W.

Willie A. & Onnie M. Carr

2739 Colonial Avenue, S.W.

Roanoke, VA 24015

1260805

Colonial Avenue, S.W.

Malcolm M. Rosenberg

5322 Hunting Hill Drive, S.W.

1260807

Colonial Avenue, S.W.

Malcolm M. Rosenberg

5322 Hunting Hills Drive, S.W.

Roanoke, VA 24014

1280304

2728 Colonial Avenue, S.W.

Carol W. Rosenberg

P. O. Box 4563

Roanoke, VA 24015

#### **CITY OF ROANOKE**

Official Tax Number / Property Address

Owner's Name and Mailing Address

1280315

2742 Colonial Avenue, S.W.

Tam Tran

2742 Colonial Avenue, S.W.

Roanoke, VA 24015

1280316

2738 Colonial Avenue, S.W.

James W. & June P. Crouse 6636 Trevilian Road, N.W.

Roanoke, VA 24019

1280318

2716 Colonial Avenue, S.W.

Carol W. Rosenberg

P. O. Box 4563

Roanoke, VA 24015



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 126, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

WHEREAS, Malcolm M. Rosenberg, made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RS-3, Residential Single-Family District, to C-1, Office District; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on such application at its meeting on October 23, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's

H:\ORDINANCES\O-REZOROSENBERG(1260808)102303.DOC

Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 126 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner and no other:

The certain parcel of land totaling 0.1873 acre, more or less, and designated on Sheet No. 126 of the Sectional 1976 Zone Map, City of Roanoke, known as Official Tax No. 1260808, be, and is hereby rezoned from RS-3, Residential Single-Family District, to C-1, Office District, as set forth in the Petition filed in the Office of the City Clerk on June 25, 2003, and that Sheet No. 126 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 126, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

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WHEREAS, a public hearing was held by City Council on such application at its meeting on October 23, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's

Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 126 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner and no other:

The certain parcel of land totaling 0.2426 acre, more or less, and designated on Sheet No. 126 of the Sectional 1976 Zone Map, City of Roanoke, known as Official Tax No. 1260804, be, and is hereby rezoned from RS-3, Residential Single-Family District, to C-1, Office District, as set forth in the Petition filed in the Office of the City Clerk on June 25, 2003, and that Sheet No. 126 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

Architectural Review Board Board of Zoning Appeals Planning Commission

#### Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

**CITY OF ROANOKE** PLANNING BUILDING AND DEVELOPMENT 215 Church Avenue, S.W., Room 166

October 23, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Request from 22 Luck Ave., Inc., represented by Raphael E. Ferris, President, that an alley located between 16 and 22 Luck Avenue, S.W., and more specifically between parcels bearing Official Tax Nos. 1012707 and 1012706, be

permanently vacated, discontinued and closed.

#### Planning Commission Action:

Planning Commission public hearing was held on Thursday, September 18, 2003. By a vote of 7-0, the Commission recommended City Council approve the requested closure, and that the petitioner be charged a price of \$2,100.00.

#### Background:

The petitioner requests closure of a portion of alley that is the remnant of a 10-foot wide north-to-south alley that originally extended to Luck Avenue. In 1994 the petitioner obtained through vacation all but this remaining portion of the alley. City Council required this remaining portion to be left open for use as a turnaround for solid waste management vehicles serving this block. The petitioner owns both adjoining parcels.

Mr. Rife asked the Petitioner to explain why the subject portion of alley wasn't closed when the alley it was adjoined to was. The Petitioner explained that Solid Waste Management needed the portion of alley to turn its trucks around in. Staff explained that at the time the portion of alley was needed by

Solid Waste Management because trash pick-up was done in the alley, but that now such pick-ups are done on the street and the alley isn't needed.

#### Considerations:

The adjoining properties are both zoned C-3, Central Business District, as are all properties in the immediate vicinity. The petitioner's law offices are located on Official Tax Map Number 1012706. Official Tax Map Number 1012707 is the site of the petitioner's parking lot. Several offices, parking lots and other various commercial establishments lie in the block of the subject alley.

Staff received comments from AEP, Roanoke Gas, and Verizon, all of which stated they have no facilities in the alley and no opposition to the request. Staff received comments from the Water Division of the Department of Public Works, who stated no sewer or water facilities are associated with the alley. Staff also received comments from the Traffic Engineer who did not object to the request. Staff received comments from the Manager of Solid Waste Management who advised that the alley is no longer needed for any service delivery.

The Department of Real Estate Valuation assessed the value of the subject alley at \$11 per square foot.

Staff did not receive any other comments in support of or in opposition to the requested closure.

Vacation of the subject alley would allow the petitioner to align the fencing that currently borders the subject alley, with the alley it adjoins. This would result in the petitioner gaining one parking spot within their fenced parking lot. At present the alley is used as a parking space, while not obstructing the east-to-west alley to which it is perpendicular.

#### Recommendation:

The Planning Commission recommends that City Council approve the petitioner's request, subject to the conditions listed below and that the petitioner be charged a price of \$2,100 for the alley, to which the petitioner has agreed.

A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine Official Tax Map Numbers 1012706 and 1012707 and the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing

utilities that may be located within the right-of-way, including the right of ingress and egress.

- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

Robert B. Manetta, Chairman City Planning Commission

Robert B. Wanetta

#### attachments

cc: Darlene L. Burcham, City Manager

Rolanda Russell, Assistant City Manager for Community Development

Steven J. Talevi, Assistant City Attorney

Petitioner



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

#### IN RE:

Application of 22 LUCK AVE., INC., for vacation of alley located	)	APPLICATION FOR VACATING, DISCONTINUING AND
between 16 Luck Avenue, SW, and	)	CLOSING OF ALLEY
22 Luck Avenue, SW, Roanoke City, Virginia	)	

#### MEMBERS OF COUNCIL:

22 Luck Ave., Inc., applies to have the alley located between 16 Luck Avenue, SW (Tax Map Number 1012707) and 22 Luck Avenue, SW (Tax Map Number 1012706) in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. The alley is shown on the attached map, and is more particularly described as follows:

A ten (10) foot wide north-to-south alley, located between properties identified on the above referenced map as New Lot 7A (Tax Map Number 1012706) and New Lot 8A (Tax Map Number 1012707), being 18.99 feet in length on the east side, and 19.94 feet on the west side, and bounded by Corners designated 2, 3, 4 & 5 on said map.

22 LUCK AVE., INC., states that the grounds for this application are as follows:

- 1. 22 LUCK AVE., INC., owns all of the property adjoining the property to be vacated.
- 2. The property to be vacated is the remaining 20 feet of a 10 foot wide north-to-south alley. In 1994, approximately 57.7 feet of the 10-foot wide alley was vacated by the City of Roanoke (Ordinance Number 31441-051793), it being the City's intention to preserve an area sufficient for a turnaround within the east-west alley system. The property is too small for a turnaround and has not been in use for that purpose. The area is so small that turning around any

ERRIS, EAKIN & THOMAS, P.C.
ROANOKE, VIRGINIA

vehicle larger than a small car would be impossible. Instead, the property is used by individuals for unauthorized parking and is conducive to acts of vandalism, such as the breaking of windows. graffiti, and the disposal of (broken) beer and wine bottles, as well as human waste. (Photograph attached.)

3. The applicant desires to have the property vacated for security and aesthetic purposes. The applicant will install a suitable barricade, fence or gate, at the rear of the alley.

WHEREFORE, 22 LUCK AVE., INC., respectfully requests that the alley be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted,

22 LUCK AVE., INC.

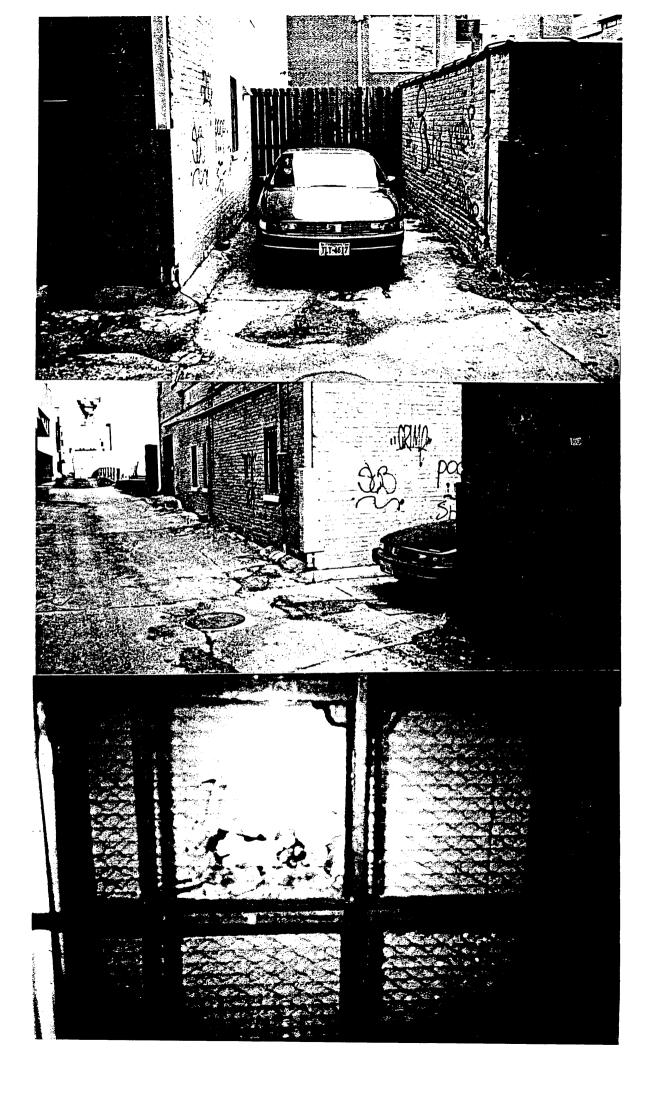
Raphael E. Ferris, President

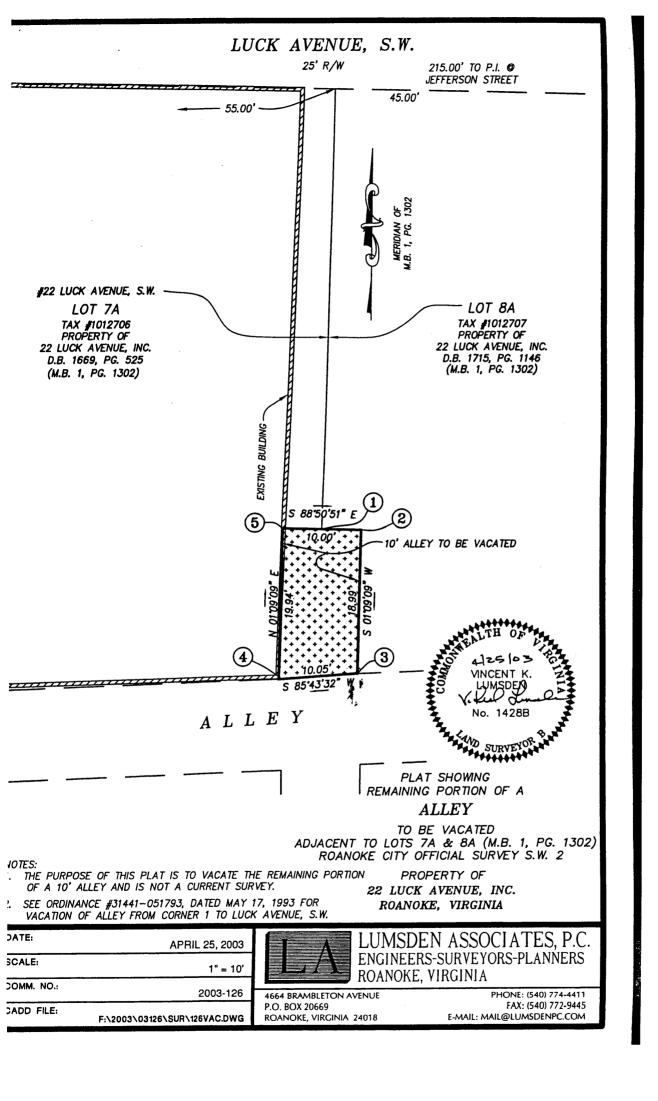
Date: July 30, 2003

22 Luck Avenue, SW Roanoke, Virginia 24011 Phone: (540) 344-3233

O:\ADMIN\22 Luck\vacate.aiv

ERRIS, EAKIN & THOMAS, P.C.
ROANOKE, VIRGINIA







#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

WHEREAS, 22 Luck Ave., Inc., filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on such application by the City Council on October 23, 2003, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing such public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That portion of an alley located between 16 and 22 Luck Avenue, S.W., and more specifically between parcels bearing Official Tax Nos. 1012707 and 1012706

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent

removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that prior to receiving all required approvals of the subdivision plat referenced in the previous paragraph, the applicant shall give to the Treasurer for the City of Roanoke a certified check or cash in the amount of Two thousand one hundred dollars and no cents (\$2,100.00) as consideration for this action taken by City Council.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

#### ATTEST:

			City Cle	rk.	
ACCEPTED	and EXECUTED	by the	undersigned	this	 day of
,	20				
ATTEST:		22 Luck A	Ave., Inc.		
Its		ByIts Presi	ident		 (Seal)

COMMONWEALTH OF VIRGINIA	§ § To-Wit: §
5 5	acknowledged before me in my jurisdiction aforesaid 2003, by Raphael E. Ferris, President, 22 Luck Ave.,
My Commission expires:	·
	Notary Public

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## **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

October 23, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request of Roanoke Gas Company for Easement on City-owned Property – Jackson Park – TM# 4130501

Roanoke Gas Company has requested a ten-foot by ten-foot easement on City-owned property located in Jackson Park, SE, in order to relocate an eight-foot high relief valve from the northern side of Morningside Street. The valve will be set on a concrete pad to eliminate the need for mowing around the valve, and is acceptable to Parks and Recreation. The easement area would be approximately 100 s.f. See Attachment #1.

#### Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate document granting the easement as described above to Roanoke Gas Company, such document to be approved as to form by the City Attorney.

Respectfully submitted,

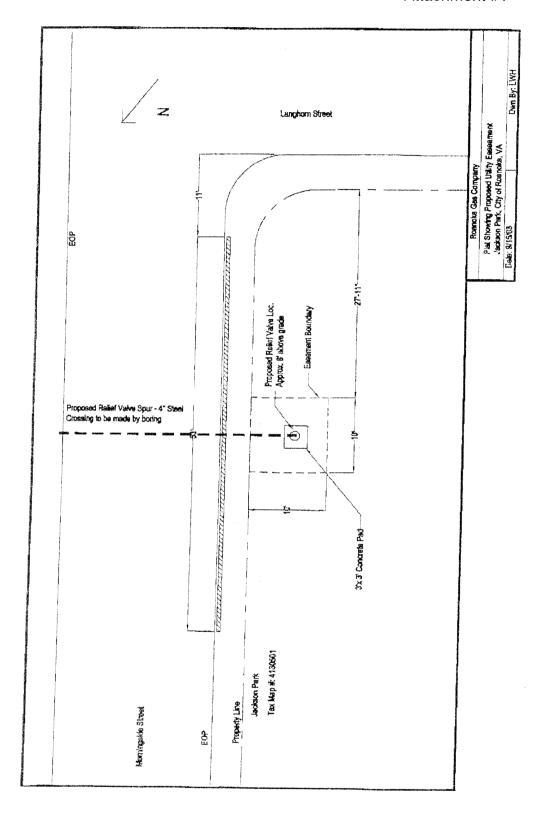
Darlene L. Burcham City Manager

DLB/SEF

Attachment(s)

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Gary S. Hegner, Superintendent of Parks & Grounds
Sarah E. Fitton, Engineering Coordinator

#CM03-00204



A.5.

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#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the donation and conveyance of a ten-foot by ten-foot easement, on City-owned property known as Jackson Park, identified by Official Tax No. 4130501, to Roanoke Gas Company, to relocate a five foot high relief valve from the northern side of Morningside Street, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, a public hearing was held on October 23, 2003, pursuant to §§15.2-1800(B) and 1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such conveyance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

- 1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, in form approved by the City Attorney, the necessary documents donating and conveying a ten-foot by ten-foot easement, on City-owned property known as Jackson Park, identified as Official Tax No. 4130501, to Roanoke Gas Company for the relocation of a five foot high relief valve from the northern side of Morningside Street, upon certain terms and conditions, as more particularly set forth in the October 23, 2003, letter of the City Manager to this Council.
- 2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

October 23, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Lease of City Owned Property in Roanoke County

### Background:

Several properties along Back Creek in Roanoke County were acquired in the late 1970's to enable the future development of a reservoir. There are no longer plans to develop the reservoir and the property is currently vacant. An adjacent property owner to one of the parcels containing 12.17 acres (identified by Roanoke County Tax No. 089.00-03-36.00-0000) has requested an agricultural lease for a portion of this parcel containing approximately 7.05 acres to provide pasture for horses. See Exhibit A of Attachment 1.

#### Considerations:

Currently, a portion of the 12.17 acre parcel is being used by the department of Parks and Recreation as a tree farm. The 7.05 acres under consideration is not suitable for future expansion of the tree farm. Leasing this portion of the parcel will eliminate the need for City staff to provide maintenance. Also, the Lessee has agreed to make improvements to an existing road that is used to access the city's tree farm and will provide the necessary fencing to secure the pastureland and the tree farm. The proposed lease rate will be one hundred dollars (\$100) per year. In addition to being required to erect the necessary fencing, the Lessee will be responsible for maintaining the fencing and removing any fencing at our request upon termination of the lease, and assume all liability for damage to and by their actions or actions of their livestock, machinery, equipment, employees, and guests. Liability insurance will be provided by Lessee as specified in Attachment 2.

#### Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents, approved as to form by the City Attorney, to lease the above City-owned property for a one-year term, with four one-year renewal options and a 60-day mutual termination provision.

Respectfully submitted,

Darlene L. Burenam City Manager

#### DLB:slm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Michael T. McEvoy, Director of Utilities
Dana Long, Manager of Billings and Collections
Scott L. Motley, Economic Development Specialist

CM03-00205

#### **LEASE AGREEMENT**

THIS LEASE AGREEMENT, made as of this day of, 2003, by and
between the CITY OF ROANOKE, VIRGINIA, a municipal corporation organized and
existing under the laws of the Commonwealth of Virginia ("Lessor"), and SANDRA ROUSE
REEDY ("Lessee"),

#### WITNESSETH:

Lessor and Lessee, for and in consideration of mutual covenants contained in this Lease

Agreement, do hereby covenant and agree as follows:

- 1. <u>Leased Premises</u> Lessor hereby leases to Lessee, subject to the terms and conditions contained herein, and Lessee hereby accepts from the Lessor, as tenant, approximately 7.05 acres of City-owned property located along Back Creek in Roanoke County, bearing Roanoke County Tax No. 089.00-03-36.00-0000, as more particularly shown on a map showing the property, attached hereto as "Exhibit A" and made a part hereof (hereinafter referred to as the "Leased Premises").
- 2. <u>Condition of the Leased Premises</u> Lessee has inspected the Leased Premises and acknowledges that the Leased Premises are suitable for the purpose intended by the Lessee and the Leased Premises are being made available "as is", and accepted in their present condition.
- 3. <u>Alterations</u> There shall be no major alterations of the Leased Premises, without Lessor's prior written consent.

- 4. Permitted Use and Maintenance - The Leased Premises shall be used for providing pasture for horses, and activities ancillary thereto and for no other purpose. Lessee agrees to erect and maintain fencing as necessary, and will remove the fencing at Lessor's request upon termination of the Lease. Lessee shall maintain all fencing. Lessee shall assume all liability for damage to Lessee's person, livestock, machinery, equipment, agents, employees, guests, invitees, and contractors. Lessee shall assume all liability for damage by its actions or actions of its livestock, machinery, equipment, agents, employees, guests, invitees and contractors. Lessee agrees to completely fence the Premises prior to placing any horses on the Premises. Lessee further agrees to allow Lessor use of the existing roadbed to allow Lessor access to the tree farm located next to the Leased Premises. Lessor further agrees to install a gate at the entrance to the existing roadbed to prevent unauthorized motor vehicles from accessing the tree farm, at Lessee's sole expense. Lessee agrees to complete such installation no later than one year from the date of this Lease Agreement. If such work is not completed by that time, Lessor may terminate this Lease Agreement or have such work completed and bill Lessee for the charges.
- 5. Term The term of this Lease Agreement shall be for a period of one (1) year, commencing on November 1, 2003, and continuing until midnight, October 31, 2004. This lease may be extended for up to four (4) additional one year terms upon the mutual agreement of both parties. Should Lessee desire to extend this Lease Agreement, Lessee shall give notice of such intent to renew no late than sixty (60) days prior to the expiration of the initial term or any renewal term. This lease shall be terminable by either party upon thirty days written notice.

Provided, however, should the Lessee have planted a crop as yet unharvested, the City shall give four months written notice of termination.

- 6. Rental Annual rental shall be ONE HUNDRED AND NO/DOLLARS (\$100.00) per year. Payment is due on November 1 of each year and mailed or otherwise delivered to the Lessor's Department of Billings and Collections, Room 252 Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia 24011-1529. Rent is not subject to proration.
- 7. Compliance with laws, rules and regulations In Lessee's exercise of the rights and privileges granted herein, Lessee, its agents, employees, guests, invitees, contractors, and/or any other person over whom Lessee has control shall observe, obey and comply fully at Lessee's own expense with all present and future, federal state and local laws, rules or regulations, applicable to or affecting directly or indirectly Lessee or its operations and activities on or in connection with the Leased Premises.
- 8. <u>Utilities</u> Lessee shall pay all utility connections and service charges, if any, with respect to the Leased Premises.
- 9. <u>Compliance with Environmental Laws</u> Lessee shall comply with all federal, state and local laws, rules, regulations, resolutions and ordinances controlling air, water, noise, solid waste and other pollution and relating to the use, storage, transportation, release or disposal of hazardous material substances or waste.
- 10. <u>Hazardous Waste and Materials Prohibited</u> Lessee shall not bring or allow or permit to be brought onto, stored, disposed of, or released, any hazardous, toxic, or petroleum substances, waste or materials of any kind on the Leased Premises.
  - 11. Report release of Hazardous Materials Lessee shall immediately furnish to the

Lessor's City Manager written notice of any and all releases of hazardous waste, materials or substances whenever such releases are required to be reported to any federal, state, or local authority, and pay for all cleanup and removal costs. Such written notice shall identify the substance released, the amount released, the measures undertaken to cleanup and remove the released material and any contaminated soil or water. Lessee shall also provide Lessor with copies of any and all reports resulting from tests on the Leased Premises or made to any governmental agency which relate to the Leased Premises.

- addition to the indemnification provisions contained elsewhere in this Lease Agreement, Lessee shall indemnify, defend, and hold Lessor, its officers, agents and employees, harmless from all costs, liabilities, penalties, or fines, including attorney's fees, resulting from or arising out of Lessee violation of the environmental provisions contained in this Lease Agreement and agrees to reimburse the Lessor for any and all costs and expenses incurred in eliminating or remedying such violations. Lessee further covenants and agrees to reimburse and hold the Lessor its officers, agents and employees, harmless from all costs, expenses, attorney's fees and all penalties or civil judgments obtained against the Lessor as a result of Lessee's use, release or disposal of petroleum product, hazardous substance, material, or waste onto the ground or into the air or water. Lessee agrees to waive any and all statutes of limitations applicable to any controversy or dispute arising under these environmental provisions and Lessee further agrees that it will not raise or plead a statute of limitation defense in any action arising out of Lessee's failure to comply with the environmental provisions contained herein.
  - 13. <u>Insurance Coverage</u> Lessee shall obtain liability insurance coverage with respect

to claims arising out of the subject matter of this Lease Agreement. The amount of this insurance shall be not less than:

- (a) General Aggregate \$1,000,000.00;
- (b) Products Complete/Operations Aggregate \$1,000,000.00;
- (c) Personal and Advertising Injury \$1,000,000.00;
- (d) Each occurrence \$1,000,000.00;
- (e) Above amounts may be met by umbrella form coverage in the minimum amount of \$1,000,000.00 aggregate; \$1,000,000.00 each occurrence.

Lessee shall name the Lessor, its officers, agents, employees and volunteers as additional insureds as its interest may appear on the above policy. Such coverage shall not be canceled or materially altered except after thirty days written notice of such cancellation or material alteration to the City Manager of the Lessor. Prior to the execution of this Lease Agreement, Lessee shall provide the Lessor's City Manager with an exact copy of the Certificate of Insurance as specified above. All renewal policies shall be delivered to the Lessor's City Manager at least fifteen days prior to the expiration date of the expiring policy. If at any time the coverage, carrier or limits on any policy or the insurance requirements contained herein shall become unsatisfactory to the Lessor, Lessee shall forthwith provide a new policy meeting the requirements of the Lessor.

14. <u>Indemnity</u> - Lessee shall indemnify and hold harmless the Lessor, its officers, agents and employees, against any and all loss, cost or expense, including attorney's fees, resulting from any claim, whether or not reduced to a judgment, and for any liability of any nature whatsoever that may arise out of or result from activities or omissions of Lessee, its

successors, officers, agents, employees, assigns, guests, contractors, or invitees, on the Leased Premises, or other City-owned property pursuant to this lease, including, without limitation, fines and penalties, violations of federal, state or local laws, or regulations promulgated thereunder, personal injury, wrongful death, or property damage claims. In addition to the indemnification provision contained elsewhere in this Lease Agreement, and regardless of the Lessor's acquiescence, Lessee agrees to indemnify, defend and hold the Lessor, its officers, agents and employees, harmless from any and all costs, liabilities, expenses, fines, penalties, or civil judgments, including attorney's fees resulting from or obtained against or paid by the Lessor as a result of Lessee's violations of or failure to comply with any other provisions of this Lease Agreement.

- 15. <u>Subleasing</u> Lessee covenants and agrees that it will not sublet, license, assign, or transfer by operation of law or otherwise this Lease Agreement, the Leased Premises or any right Lessee is authorized to exercise hereunder, without the prior written consent of the Lessor. Any attempt by the Lessee to sublet, license, assign, or transfer by operation of law or otherwise this Lease Agreement, the Leased Premises, or any rights Lessee is authorized to exercise hereunder without the prior written consent of the Lessor shall result in the automatic termination of this Lease Agreement.
- 16. <u>Notice</u> Unless otherwise specified, all notices, consents and approvals required or authorized by this Lease Agreement to be given by or on behalf of either party to the other, shall be in writing and signed by a duly designated representative of the party by or on whose behalf they are given and shall be deemed given three days after the time a certified letter

properly addressed, postage prepaid, is deposited in any United States Post Office or upon hand delivery. Notice to the City of Roanoke shall be addressed to the:

City of Roanoke, Attention City Manager Room 364 Municipal Building 215 Church Avenue, S.W. Roanoke, Virginia 24011

or at such other office as Lessor may hereinafter designate by notice to the Lessee in writing. Notice to the Lessee shall be sent to:

Sandra Rouse Reedy 4251 Carr Rouse Road Roanoke, Virginia 24014

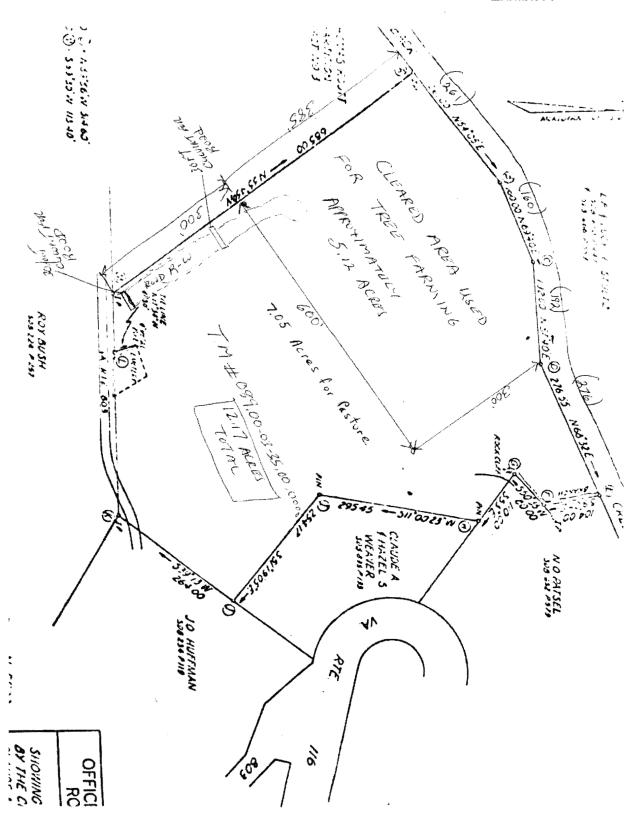
or at such other place as Lessee may hereinafter designate by notice to the Lessor in writing.

- 17. <u>Entire Agreement</u> This Lease Agreement constitutes the entire understanding between the parties. Any changes or modification of this Lease Agreement must be in writing and signed by both parties.
- 18. <u>Severability</u> In the event any provision herein shall be finally declared void or illegal by any court or administrative agency having jurisdiction, the remaining provisions shall continue in full force and effect as nearly as possible in accordance with the original intent of the parties.
- 19. <u>Headings</u> The headings used in this Lease Agreement are intended for convenience and reference only and do not define, expand, or limit the scope or meaning of any provision of this Lease Agreement.

IN WITNESS WHEREOF, the parties have executed this Lease Agreement as of the day and year first written above:

ATTEST:	CITY OF ROANOKE, VIRGINIA
Mary F. Parker, City Clerk	By Darlene L. Burcham, City Manager
Witness:	Sandra Rouse (SEAL)
(Name)	
(Address)	

Exhibit A



### INSURANCE REQUIREMENTS FOR AGRICULTURAL LEASES

Owner shall obtain liability insurance coverage with respect to claims arising out of the subject matter of this agreement. The amount of such insurance shall not be less than:

- A. General Aggregate \$1,000,000
- B. Products Completed/Operations Aggregate \$1,000,000
- C. Personal and Advertising Injury \$1,000,000
- D. Each Occurrence \$1,000,000
- E. Above amounts may be met by umbrella form coverage in a minimum amount of \$1,000,000 aggregate; \$1,000,000 each occurrence.

Owner shall name the City, its officers, agents, employees, and volunteers as additional insured as its interests may appear on the above policy. Such coverage shall not be canceled or materially altered except after thirty (30) days prior written notice of such cancellation or material alteration to the Director of Utilities and Operations of the City of Roanoke.

Owner shall indemnify and save harmless the City of Roanoke, its officials, officers and employees, from all claims for injuries or damages to persons or property that may arise by reason of the lease of city property.

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#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into a lease with Sandra Rouse Reedy, for the lease of 7.05 acres of City-owned property located along Back Creek in Roanoke County, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are authorized to execute and attest, respectively, in form approved by the City Attorney, a lease with Sandra Rouse Reedy, for the lease of 7.05 acres of City-owned property located along Back Creek in Roanoke County, commencing November 1, 2003, such lease being for an initial term of one year, with an option to renew for four (4) additional one (1) year terms, and upon the terms and conditions as more particularly set forth in the City Manager's letter dated October 23, 2003, and the attached lease, to this Council.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

# OF ROAD

Architectural Review Board Board of Zoning Appeals Planning Commission

## CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

October 23, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amending Section 36.1-445 (c), Additional Sign Regulations,

of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to address roof signs in the H-1 district.

#### Planning Commission Action:

Planning Commission public hearing was held on Thursday, September 18, 2003. By a roll call vote of 7-0, the Commission recommends that City Council approve the requested amendment.

#### Background:

Roof signs are currently prohibited in all zoning districts in the City of Roanoke. This text amendment would remove that prohibition as it pertains to existing roof signs located in, or located and relocated within, the H-1, Historic District. Parcels within the H-1, Historic District are located within the core of downtown and are depicted on the attached map.

#### Considerations:

Downtown Roanoke, Inc. has initiated an effort to relocate and rehabilitate the H&C Coffee sign located on the roof of a building at 102 Market Street. The sign, which has been in place in downtown for many decades, is of a unique neon design, material, and animation; and its method of construction is rare by today's

modern sign standards. The sign is currently in a state of disrepair and needs considerable rehabilitation. Its relocation to another site in the H-1, Historic District is being considered so as to ensure its long-term visibility and structural integrity; and to return the sign to its original operational status. Because of the current prohibition regarding roof signs, the H&C Coffee sign is a nonconforming sign and could not be rehabilitated and relocated as proposed.

A staff review of the H-1, Historic District identified two other existing roof signs that would become conforming under this amendment. One is the Dr. Pepper sign at 115 Salem Avenue. The other is a roof outdoor advertising sign located at the rear of 102 Market Street.

If this amendment were approved, the subsequent relocation of any of these three existing roof signs would be limited to the area within the H-1, Historic District and would require the granting of a Certificate of Appropriateness by the Architectural Review Board.

At the public hearing, Fourd Kemper, representing the Board of Directors of Downtown Roanoke, Inc., spoke in favor of the request. He stated that the Board had voted unanimously to support the amendment to the Zoning Ordinance which would allow the rehabilitation and relocation of the H&C Coffee sign to proceed. A letter of support was also received for the record from Mr. Benjamin Motley, principal in the architectural firm of Rodriquez, Ripley, Maddux, and Motley, with offices located in downtown Roanoke.

#### Recommendation:

Planning Commission recommends approval of the proposed amendment, given the effort initiated by Downtown Roanoke, Inc. to rehabilitate and relocate a sign of unique design, material, and construction, and the limited application of the amendment to the H-1, Historic District.

Respectfully submitted,

Robert Manetty

Robert B. Manetta, Chairman

City of Roanoke Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William H. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney



September 16, 2003





Arnold C Rodriguez William J Ripley John B Maddux Jr Benjamin S Motley

David V Cederquist Senior Advisor

Kevin T Ball Donna A Elliott Duane M Harver Dan H Hickok Jr Karl S Hossli Craig W Sharp Linda L Steffan Jaime G Garcia Wesley A Herlan Charles R Krummell Dinna F Magno Robert A Maslyn Steven M Pearson Kevin M Seymour P Lynn Sneed Jeffrey L Tucker

Mr. Brian Townsend, Director of Planning, Building and Development City of Roanoke Municipal Building - Room 166 215 Church Avenue, SW Roanoke, Virginia 24011

Dear Mr. Townsend:

I am unsure of my availability to attend the Planning Commission hearing on September 18, 2003, during which the Commission will consider amending Section 36.1-445 (c), Additional Sign Regulations, Chapter 36.1, Zoning of the Code of the City of Roanoke, to address roof signs in the H-1 district. I am very familiar with the details surrounding this issue and am writing in support of this amendment proposed by the Planning Staff.

I am a native and longtime resident of the City of Roanoke as well as a property owner in the downtown district. I have served on the Board of Zoning Appeals for many years, am a registered design professional, and am currently serving on the steering committee for the revised zoning ordinance. My firm is the associate architect for the new Art Museum of Western Virginia (which will impact the view shed of the subject signs). As a member of Downtown Roanoke, Inc., I am actively involved in the details of the H&C sign restoration and relocation. From these various points of experience and perspective, I offer that the adoption of the proposed amendment is adequately constrained yet provides the flexibility needed to preserve these treasured landmarks.

I ask for your favorable recommendation to City Council.

Sincerely,

RODRIGUEZ RIPLEY MADDUX MOTLEY

Benjamin S. Motley

**Principal** 

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#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-445, Additional sign regulations, Division 3, Sign Regulations, Article IV, Supplementary Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by amending subsection (c) to permit roof signs within the H-1 Historic District under certain conditions; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 36.1-445, <u>Additional sign regulations</u>, Division 3, <u>Sign Regulations</u>, Article IV, <u>Supplementary Regulations</u>, of Chapter 36.1, <u>Zoning</u>, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained, by amending subsection (c), to read and provide as follows:

Sec. 36.1-445. Additional sign regulations.

In all districts, the following additional sign regulations shall be applicable:

\* \* \*

(c) Roof signs are prohibited in all districts, except for existing roof signs located or relocated within the H-1 Historic District, and that roof signs identifying a business on the premises where such sign may be erected when the topography of the land would preclude vision of permitted ground or wall signs from automobiles on nearby primary streets or highways serving the business, provided that under no circumstances shall any roof sign cause a structure to exceed the maximum height permitted in the particular district.

\* \* \*

alpo ....

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

October 23, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable Dr. M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Long Range Transportation Plan

#### Background:

The Roanoke Valley Metropolitan Planning Organization (MPO) is scheduled to adopt a revised 20-year Long Range Transportation Plan (LRTP) at its November 6, 2003 meeting. The LRTP is a financially constrained plan that identifies the expected resources that will be available for transportation improvements and establishes a list of improvements that are to be implemented over the 20-year planning period. Transportation improvement projects must be included in the LRTP before they can be added to the Virginia Department of Transportation's Six Year Plan. The LRTP is routinely revised and comprehensively updated every three to five years.

The Virginia Department of Transportation (VDOT) provided both financial and transportation condition projections for the 20-year planning period. A work group was organized to discuss these projections and develop recommendations for City Council's endorsement and submission to the MPO. Members of this work group included the Planning Commission's Transportation, Utilities & Facilities Committee, the City of Roanoke's MPO representatives, and key staff members (representing all modes of transportation, environmental quality, economic development, and citywide comprehensive planning). The work group evaluated this information in light of the Comprehensive Plan's guidance and developed the priorities and recommendations contained herein.

#### Considerations:

The MPO must develop and maintain a LRTP with a 20-year planning horizon. Transportation improvement projects must be included in the LRTP before they can be added to VDOT's Six Year Plan. Neither City Council's endorsement, nor the MPO's adoption, of the LRTP will obligate any LRTP project to be implemented. Rather, such projects are simply made eligible for further consideration. The work group has developed recommendations that are consistent with the guidance provided in the City's Comprehensive Plan. The MPO will adopt the LRTP during a public hearing (scheduled for November 6, 2003) at the conclusion of a 30-day public comment period.

#### Recommendation:

Endorse, by resolution, the attached information (Cover Letter, Financially Constrained List, and Vision List) for submission to the Metropolitan Planning Organization for their consideration.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB/KHK

#### **Attachments**

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Kenneth H. King Jr., P.E., Manager, Division of Transportation

CM03-0210

## Roanoke Valley Area Metropolitan Planning Organization (MPO) 2025 Long Range Transportation Plan Recommendations

The City of Roanoke is pleased to submit recommendations for consideration and inclusion in the Roanoke Valley Area 2025 Long-Range Transportation Plan. The City of Roanoke values and recognizes the planning process as being the primary building block for effective transportation improvements. To be effective these plans must be based upon projections of the transportation system's future conditions, needs and opportunities, to effectively guide decision making today and in the future. Through intergovernmental cooperation, coordination, and public involvement, these plans should shape local, regional, and state strategies for addressing economic growth, safety, congestion, air quality, and public mobility. We encourage all parties involved in the transportation planning and improvement process to be proactive in integrating and utilizing all modes of transportation. The City's recently completed Comprehensive Plan emphasizes the need for sustainability; therefore, local and regional plans should support compact urban development, discourage sprawl and emphasize multi-modal forms of transportation that prioritize facilities for bicycles, pedestrians, rail and transit as well as accommodate automobiles.

The attached pages contain both the financially constrained and future vision list of urban projects for the City of Roanoke. One notable project is the I-581 and Elm Avenue improvement project. This is one of the most congested areas within the regional transportation system and has been a known problem for many years. The urban, primary, and interstate systems converge on this single interchange and improvements may require funding from each of these systems to solve this complex problem. Traditionally an interchange project of this type would be funded solely from interstate funding sources; however, because of the major importance of this project, the City of Roanoke is prepared to have \$8 million dollars of the City's urban allocation dedicated for this purpose. The willingness to have these urban funds dedicated demonstrates the City's commitment to this improvement. The MPO and VDOT should likewise make this project a high priority by allocating the needed funds from all available sources (primary and/or interstate systems) to support this improvement. Together with Interstate 81, the I-581 & Elm Avenue interchange is a top interstate need that must be addressed in this Long Range Transportation Plan.

The transportation system is dynamic in nature and these plans should be continuously revised and officially updated every 3 to 5 years to provide a comprehensive and accurate strategy for addressing the ever changing needs of Virginia's citizens and businesses. The City of Roanoke is committed to being a proactive leader and partner in these very important endeavors.

Facility Route # and Name	From:	То:	Recommended Improvement	Projected Cost	Previous Funding	Additional Funding Required	Comments
* 10th Street	Gilmer Avenue	Andrews Road	Reconstruction	\$7,565,000	\$6,699,000	\$866,000	PE underway
* 10th Street	Andrews Road	Williamson Road	Reconstruction	\$5,055,000	\$5,055,000	\$0	PE underway
* Wonju Street Extension	Colonial Avenue	Brandon Avenue	4 lane	\$20,676,000	\$13,396,000	\$7,280,000	
13th Street Project 13th Street / Hollins Road	Dale Avenue	Orange Ave	U4D w/ Bike Lanes	\$10,020,000	\$0	\$10,020,000	
13th Street Project Campbell Ave., SE	Williamson Rd	Norfolk Ave	U3L	\$4,013,000	\$0	\$4,013,000	
13th Street Project Norfolk Ave	Campbell Ave.	Wise Ave.	U3L	\$915,000	\$0	\$915,000	
13th Street Project Wise	Norfolk Ave.	ECL Roanoke	U3L.	\$8,166,000	\$0	\$8,166,000	
Colonial Ave	Wonju St.	Winding Way Road	U3L w/ Bike Lanes	\$7,518,733	\$0	\$7,518,733	Reconstruct the existing roadway to a three- lane section from Wonju Street west through Virginia Western Community College to include sidewalk, curb and gutter, drainage, and bike lanes. These improvements are intended to tie into the Wonju Street extension project.
I-581/Elm Ave Interchange	Jefferson St	Jamison Ave	U6L	\$8,000,000	\$0	\$8,000,000	Interchange Improvements, \$8,000,000 is the City Share from the Urban Allocation to be included with additional Interstate and Primary funds
* denotes project o	bligated in current	Six-Year Plan					

Facility Route # and Name	From:	To:	Recommended Improvement	Projected Cost	Previous Funding	Additional Funding Required	Comments
Orange Ave. Network Improvements Planning Analysis	I-581	ECL Roanoke	Corridor Study	\$300,000	\$0	\$300,000	Corridor study to evaluate alternate network connections to relieve congestion on Orange Avenue.
Orange	11th St	Gus Nicks Blvd	U6L	\$11,414,000	\$0	\$11,414,000	
Salem Turnpike/ Shenandoah Avenue Corridor Study	36th St.	24th St	U2L w/ bike lanes	\$5,641,000	\$0	\$5,641,000	turn lanes at selected locations
Williamson	Orange Ave.	Angell Ave.	Corridor Improvement	\$15,493,000	\$0	\$15,493,000	Corridor improvements to include curb, gutter, sidewalk, and other streetscape enhancements
Transit Improvements				\$2,913,173	\$0	\$2,913,173	Surface Transportation funds will be flexed over to support bus shelters, bus pullouts, Downtown circulator, and other transit enhancements.
Mobility and Accessibility Improvements				\$4,855,289	\$0	\$4,855,289	bike lanes, shared-use paths (greenways), sidewalks, curb and gutter, other pedestrian and bicycle enhancements
Signal and ITS Improvements				\$4,855,289	\$0	\$4,855,289	interconnection and coordinated signal systems & miscellaneous ITS improvements
Intersection & Miscellaneous Spot Improvements				\$4,855,289	\$0	\$4,855,289	isolated improvements, additional turn lanes, geometric improvements, and other minor physical improvements
				Total Additional	Funding Needs:	\$97,105,773	
				Projected Fu	unding Available:	\$97,105,773	
			Additional Funding for 4 flex accounts constrained list	rom 6-yr plan		\$8,146,000 \$17,479,040 \$71,480,733	
	<u> </u>					\$97,105,773	10/13/200

## City of Roanoke Urban System - Financially Constrained List

Facility Route # and Name	From:	То:	Recommended Improvement	Projected Cost	Previous Funding	Additional Funding Required	Comments
						\$97,105,773	
						\$0 71480733	

#### City of Roanoke Urban System - Vision List

Facility Route # and Name	From:	To:	Recommended Improvement	Projected Cost	Previous Funding	Additional Funding Required	Comments
13th Street Project Hollins Road, NE	Orange Ave.	Liberty Rd.	U4D w/ Bike Lanes	\$10,774,000	\$0	\$10,774,000	
13th Street Project Tazewell Ave	Williamson Rd	9th St	U2L	\$1,803,000	\$0	\$1,803,000	
Brandon Ave.	Brambleton	Main St	U4L	\$1,728,000	\$0	\$1,728,000	Intersection improvements
Cove Rd	Peter's Creek	Lafayette Blvd	U2L	\$7,194,000	\$0	\$7,194,000	
Hershberger Rd.	Peters Creek Rd.	Cove Rd	U3L w/ bike lanes	\$14,438,000	\$0	\$14,438,000	Neighborhood plan supports a three-lane street
Hershberger Rd.	Williamson Rd	East City Limits Roanoke	U3L w/ bike lanes	\$4,857,000	\$0	\$4,857,000	
King St.	Gus Nicks Blvd	Orange Ave.	U3L w/ bike lanes	\$11,305,000	\$0	\$11,305,000	
Orange Ave.	Gus Nicks Blvd.	King St.	U6L	\$15,482,000	\$0	\$15,482,000	U6L w/ Intersection Improvements (or as determined by Corridor Study)
Plantation Rd	Liberty Rd.	Hollins Rd.	U4L	\$6,272,000	\$0	\$6,272,000	
Plantation Rd	0.3 mile south of Liberty Road	Indiana Ave	U4L	\$1,800,000	\$0	\$1,800,000	

#### City of Roanoke Urban System - Vision List

Facility Route # and Name	From:	То:	Recommended Improvement	Projected Cost	Previous Funding	Additional Funding Required	Comments
Plantation Rd	Liberty Rd	Wingfield Ave	U4L	\$3,700,000	\$0	\$3,700,000	
Plantation Rd	Liberty Rd	0.3 mile south of Liberty Road	U4L	\$2,300,000	\$0	\$2,300,000	
Salem Turnpike	WCL Roanoke	24th St	U2L	\$11,893,000	\$0	\$11,893,000	turn lanes at selected locations
Shenandoah	WCL Roanoke	24th Street	U3L w/ bike lanes	\$15,702,000	\$0	\$15,702,000	
Transit Improvements				\$6,000,000	\$0	\$6,000,000	Surface Transportation funds will be flexed over to support bus shelters, bus pullouts, Downtown circulator, and other transit enhancements.
Mobility and Accessibility Improvements				\$10,000,000	\$0	\$10,000,000	bike lanes, shared-use paths (greenways such as the Roanoke River greenway), sidewalks, curb and gutter, other pedestrian and bicycle enhancements
Signal and ITS Improvements				\$10,000,000	\$0	\$10,000,000	interconnection and coordinated signal systems & miscellaneous ITS improvements
Intersection & Miscellaneous Spot Improvements				\$10,000,000	\$0	\$10,000,000	isolated improvements, additional turn lanes, geometric improvements, and other minor physical improvements
				Total Additional F		\$145,248,000	
				Projected Fur	nding Available:	Vision List	j



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION concurring in a list of financially-constrained projects and recommended improvements for roadways in the City of Roanoke for further study in connection with the Long-Range Transportation Plan.

WHEREAS, state and local agencies must continually develop long range transportation plans as required by the Federal Highway Act of 1962;

WHEREAS, the Roanoke Valley Metropolitan Planning Organization ("MPO") is scheduled to adopt a revised 20-year Long Range Transportation Plan ("LRTP");

WHEREAS, transportation improvement projects must be included in the LRTP before they can be added to the Virginia Department of Transportation's Six Year Plan;

WHEREAS, a public information meeting seeking comment on the proposed plan by the MPO is scheduled for November 6, 2003; and

WHEREAS, the Virginia Department of Transportation is seeking the City's concurrence in this list of financially-constrained projects in connection with the LRTP.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. That this Council concurs in the list of financially-constrained projects and recommended improvements for roadways in the City of Roanoke for further study by the Virginia Department of Transportation, as set forth in the City Manager's letter dated October 23, 2003, to this Council, and its attachments.

2.	That the City Clerk is directed to forthwith transmit attested copies of this
resolution to	the MPO for the November 6, 2003, public information meeting.
	ATTEST:

City Clerk.